

**NOTICE OF REGULAR COUNCIL MEETING
CUMMING CITY COUNCIL**

January 13, 2020 – 7:00 p.m.

Cumming City Hall, 649 N 43rd St, Cumming Iowa

This is a tentative agenda only, which is subject to change. The final City Council agenda will be posted at least 24 hours prior to commencement of the meeting.

- I. **ROLL CALL**
- II. **APPROVAL OF AGENDA** as presented and/or amended
- III. **PUBLIC COMMENT**
- IV. **PRESENTATION**
 - A. 2021 Builders Home Show, Tom Henderson
- V. **BOARDS AND COMMISSION REPORTS**
 - A. Park and Recreation
 - B. Planning and Zoning
- VI. **CONSENT ITEMS**
 - A. 12/16/19 Special Council Meeting Minutes
 - B. December 2019 IPERS Wage & Contribution Reports
 - C. December 2019 Fund Balance Reports
 - D. 12/20/19, 12/30/19 & 01/3/20 Calculation & Verification Journals
 - E. 12/20/19 12/30/19 & 01/3/20 Accounts Payable Claims Report
- VII. **ACTION/DISCUSSION ITEMS**
 - A. **Resolution 2020-11** Approve City Administrator Agreement
 - B. **Second Reading of Ordinance 2019-10** An Ordinance Amending the Code of Ordinances, City of Cumming, Iowa, by Amending Chapter 155 Building Regulations with option to waive the third reading with motion for Clerk to post.
 - C. **Resolution 2020-01** Appoint Central Iowa Regional Drinking Water Commission Representative
 - D. **Resolution 2020-02** Appoint Iowa Communities Assurance Pool Representative
 - E. **Resolution 2020-03** Appoint Iowa Municipalities Workers Compensation Association Agent and Representative
 - F. **Resolution 2020-04** Appoint Des Moines Area Metropolitan Planning Organization Representative
 - G. **Resolution 2020-05** Appoint Des Moines Metropolitan Wastewater Reclamation Authority Representatives
 - H. Appoint Mayor Pro Tem
 - I. **Resolution 2020-06** Appointment of City Engineer
 - J. **Resolution 2020-07** Appointment of City Attorney
 - K. **Resolution 2020-10** Approve 28E Agreement with Warren County Sheriff
 - L. **Resolution 2020-08** Set a Date (01/27/20) for a Public Hearing for the Purpose of Considering the Maximum Tax Dollars from Certain Levies for the City's Proposed Fiscal Year 2020-2021 Budget
 - M. **Resolution 2020-09** Set a Date (02/10/20) for a Public Hearing to Amend the Code of Ordinances, City of Cumming, Iowa, by Amending Chapter 165.07 Adoption of Official Zoning Map
 - N. Water Tower
 - O. Chamber of Commerce Membership
- VIII. **REPORTS:**
 - A. Mayor
 - B. Council

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- C. Attorney
- D. Clerk

IX. PUBLIC COMMENT

X. UPCOMING REGULAR CITY COUNCIL MEETING: February 10, 2020, 7:00 p.m. at City Hall

XI. ADJOURN

**OFFICIAL PUBLICATION
CITY OF CUMMING
Special Council Meeting 12/16/2019
To be Approved at 1/13/20 Meeting**

The Special City Council Meeting of the City of Cumming was held at Cumming City Hall, 649 N. 44th St., on Monday, December 16, 2019. The Meeting was called to order at 6:30 P.M. by Mayor Tom Becker. Present at Roll Call: Charlie Ochanpaugh, Thomas Cackler, Dave Chelsvig, and Dino Goode. Absent at Roll Call: Kathie Hungerford. Motion made by Chelsvig, seconded by Goode to approve the agenda. Approved 4-0.

Consent Items:

Motion made by Goode, seconded by Cackler to approve the Consent items: 12/9/19 Meeting Minutes. Approved 4-0.

Action/Discussion Items:

- A. Motion made by Goode, seconded by Cackler to approve the City Administrator Consulting Services Agreement with Don Sandor. Approved 4-0.
- B. MSA Guidelines was discussed.
- C. Motion made by Goode, seconded by Ochanpaugh to approve the Beeler Trucking Quote. Approved 4-0.
- F. Motion made by Cackler, seconded by Ochanpaugh to send Zone C-2 Noise Ordinance to Planning and Zoning. Approved 4-0.

Upcoming City Council Meetings: Regular Meeting, January 13, 2020, at 7:00 pm at City Hall.

Motion made by Cackler, seconded by Chelsvig to Adjourn at 7:16 pm. Approved 4-0.

Tom Becker, Mayor

Attest: Angie Ritchie, Deputy Clerk

Wage & Contribution Report

Effective Date: 12/01/2019
 Generated On: 12/30/2019 15:09:14
 Due Date:2020-01-15
 WAGE REPORT DECEMBER 2019
 Report Status: Initial
 Trans#: 120833776
 Date Released: null
 Member Count: 4
 Report Source: LOB - manual

Employer Name: 91308 CITY OF CUMMING

Wage History Summary

Agreement	Occupation Code	Period Wages	Employer Contributions	Member Contributions	Funds Total
MONTHLY Cities	01-Regular	\$ 2,164.62	\$ 204.34	\$ 136.15	\$ 340.49
MONTHLY Cities	17-Part-time Elected Officials	\$ 695.94	\$ 65.70	\$ 43.78	\$ 109.48
Totals		\$ 2,860.56	\$ 270.04	\$ 179.93	\$ 449.97

Cash Summary

Fund	Due	Paid	Balance
Employer Contributions	\$ 270.04	\$ 0.00	\$ 270.04
Member Contributions	\$ 179.93	\$ 0.00	\$ 179.93
Totals	\$ 449.97	\$ 0.00	\$ 449.97

Wage & Contribution Report

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MONTHLY Cities	17-Part-time Elected Officials	\$ 695.94	\$ 65.70	\$ 43.78	\$ 109.48
Dec 1, 2019	BECKER, THOMAS B	\$ 520.63	\$ 49.15	\$ 32.75	\$ 81.90
Dec 1, 2019	HUNGERFORD, KATHIE E	\$ 175.31	\$ 16.55	\$ 11.03	\$ 27.58
Dec 1, 2019	RITCHIE, ANGIE	\$ 2,164.62	\$ 204.34	\$ 136.15	\$ 340.49
Dec 1, 2019	SWISHER, RACHELLE E	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
		\$ 2,860.56	\$ 270.04	\$ 179.93	\$ 449.97
Totals:		\$ 2,860.56	\$ 270.04	\$ 179.93	\$ 449.97

BANK NAME FUND GL NAME	OCTOBER CASH BALANCE	NOVEMBER RECEIPTS	NOVEMBER DISBURSMENTS	NOVEMBER CASH BALANCE	INVOICES PAID	BANK BALANCE	2020 BUDGET	YTD BILLS	BUDGET REMAINING
CITY STATE BANK									
001 CHECKING - GENERAL	644,184.55-	672.00	14,389.30	657,901.85-	11,299.84		365,485.00	433,362.65	67,877.65-
110 CHECKING - ROAD USE	53,863.80	0.00	0.00	53,863.80			60,000.00		60,000.00
112 CHECKING - EMPLOYEE BENEFIT	6,958.14	0.00	492.07	6,466.07			20,340.00	8,779.90	11,560.10
119 CHECKING - EMERGENCY	3,736.73	0.00	0.00	3,736.73			7,449.00		7,449.00
121 CHECKING - LOCAL OPTION TAX	112,782.64	0.00	0.00	112,782.64					
125 CHECKING - TIF	98,544.89	0.00	0.00	98,544.89			101,100.00	312,325.92	211,225.92-
167 CHECKING - PARKS & REC	0.00	0.00	0.00	0.00					
200 CHECKING - DEBT SERVICE	31,581.77	0.00	0.00	31,581.77			56,575.00	5,091.75	51,483.25
301 CHECKING - CP SEWER	7,792.03	0.00	0.00	7,792.03					
302 CHECKING - PHASE II SEWER PROJ	0.00	0.00	0.00	0.00			101,100.00	4,542.58	96,557.42
303 CHECKING - WATER PROJECT	127,821.43	0.00	0.00	127,821.43				172,178.57	172,178.57-
600 CHECKING - WATER	210,222.70	0.00	0.00	210,222.70			350.00	40.15	309.85
601 CHECKING - WATER CAPITAL PROJ	0.00	0.00	0.00	0.00					
610 CHECKING - SEWER	10,313.08	0.00	3,276.10	7,036.98	3,276.10		45,000.00	23,038.90	21,961.10
CITY STATE BANK TOTALS	19,432.66	672.00	18,157.47	1,947.19	14,575.94	12,628.75-	757,399.00	973,936.36	216,537.36-
TOTAL OF ALL BANKS	19,432.66	672.00	18,157.47	1,947.19	14,575.94	12,628.75-	757,399.00	973,936.36	216,537.36-

EMP NO	NAME	HOURS	RATE	METH	EXTEND	C-CTR	W-CMP	CL	ID	ABRV	DESCRIPTION	AUTO	MESSAGE
3	TOM BECKER	5.00	53.1500	H	265.75	61010			3	1	HRWP	HOURLY W/PENS	A
DEDUCTS:			6.2900	P	16.72	61010			4	1	IPER	IPERS	A
			9.4400	P	25.09						BENEFIT		
PAY TOTAL	GROSS PAY	DEDS	FED TAX	SS TAX	MED TAX	STATE TAX	EIC PAY	NET PAY	HOURS	OT	HRS	MTX	MCK
	265.75	16.72	.00	.00	3.85	.00	.00	245.18	5.00		.00	N	N
4	DAVE CHELSVIG	5.00	31.8800	H	159.40	61010			2	2	HRNP	HOURLY NO PENS	A
PAY TOTAL	GROSS PAY	DEDS	FED TAX	SS TAX	MED TAX	STATE TAX	EIC PAY	NET PAY	HOURS	OT	HRS	MTX	MCK
	159.40	.00	.00	9.88	2.31	.00	.00	147.21	5.00		.00	N	N
5	LARRY GOODE JR	4.00	31.8800	H	127.52	61010			2	2	HRNP	HOURLY NO PENS	A
PAY TOTAL	GROSS PAY	DEDS	FED TAX	SS TAX	MED TAX	STATE TAX	EIC PAY	NET PAY	HOURS	OT	HRS	MTX	MCK
	127.52	.00	.00	7.91	1.85	.00	.00	117.76	4.00		.00	N	N
9	Charlie Ochanpaugh	4.00	31.8800	H	127.52	61010			2	2	HRNP	HOURLY NO PENS	A
PAY TOTAL	GROSS PAY	DEDS	FED TAX	SS TAX	MED TAX	STATE TAX	EIC PAY	NET PAY	HOURS	OT	HRS	MTX	MCK
	127.52	.00	.00	7.91	1.85	.00	.00	117.76	4.00		.00	N	N
10	Kathie Hungerford	4.00	31.8800	H	127.52	61010			3	1	HRWP	HOURLY W/PENS	A
DEDUCTS:			6.2900	P	8.02	61010			4	1	IPER	IPERS	A
			9.4400	P	12.04						BENEFIT		
PAY TOTAL	GROSS PAY	DEDS	FED TAX	SS TAX	MED TAX	STATE TAX	EIC PAY	NET PAY	HOURS	OT	HRS	MTX	MCK
	127.52	8.02	.00	.00	1.85	.00	.00	117.65	4.00		.00	N	N
11	Thomas Cackler	5.00	31.8800	H	159.40	61010			2	2	HRNP	HOURLY NO PENS	A
PAY TOTAL	GROSS PAY	DEDS	FED TAX	SS TAX	MED TAX	STATE TAX	EIC PAY	NET PAY	HOURS	OT	HRS	MTX	MCK
	159.40	.00	.00	9.88	2.31	.00	.00	147.21	5.00		.00	N	N
TOTALS	967.11	24.74	.00	35.58	14.02	.00	.00	892.77	27.00		.00		
				35.58	14.02	EMPLOYER SS/MED TAX							
				71.16	28.04	TOTAL SS/MED TAX							

EMP NO	NAME	HOURS	RATE	METH	EXTEND	C-CTR	W-CMP	CL	ID	ABRV	DESCRIPTION	AUTO	MESSAGE											
13	ANGIE RITCHIE	67.02	17.4500	H	1169.50	62010			1	1	HRWP	HOURLY W/PENS	A											
	DEDUCTS:		6.2900	P	73.56	61010			4	1	IPER	IPERS	A											
			9.4400	P	110.40							BENEFIT												
PAY TOTAL	GROSS PAY	1169.50	DEDS	73.56	FED TAX	48.06	SS TAX	72.51	MED TAX	16.96	STATE TAX	42.00	EIC PAY	.00	NET PAY	916.41	HOURS	67.02	OT HRS	.00	MTX	N	MCK	N

TOTALS	1169.50	73.56	48.06	72.51	16.96	42.00	.00	916.41	67.02	.00														
				72.51	16.96	EMPLOYER SS/MED TAX																		
				145.02	33.92	TOTAL SS/MED TAX																		

TOT EMPLOYEES PROCESSED 1

ID	DEDUCTION DESC	DED AMT	BEN AMT
1	IPERS	73.56	110.40
	TOTAL	73.56	110.40

EMP NO NAME HOURS RATE METH EXTEND C-CTR W-CMP CL ID ABRV DESCRIPTION AUTO MESSAGE

TOT EMPLOYEES PROCESSED 6

ID	DEDUCTION DESC	DED AMT	BEN AMT
1	IPERS	24.74	37.13
	TOTAL	24.74	37.13

EMP NO	NAME	HOURS	RATE	METH	EXTEND	C-CTR	W-CMP	CL	ID	ABRV	DESCRIPTION	AUTO	MESSAGE
3	TOM BECKER	16.00	15.9300	H	254.88	61010		3	1	HRWP	HOURLY W/PENS	A	
	DEDUCTS:		6.2900	P	16.03	61010		4	1	IPER	IPERS	A	
			9.4400	P	24.06						BENEFIT		
	GROSS PAY												
PAY TOTAL	254.88	16.03	.00	.00	.00	3.70	.00	.00	.00	.00	235.15	16.00	.00 N N

4	DAVE CHELSVIG												
	GROSS PAY												
PAY TOTAL	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00 N DEP

WARNING! CHECK AMT
 FOR EMPLOYEE IS ZERO

5	LARRY GOODE JR												
	GROSS PAY												
PAY TOTAL	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00 N DEP

WARNING! CHECK AMT
 FOR EMPLOYEE IS ZERO

9	Charlie Ochanpaugh												
	GROSS PAY												
PAY TOTAL	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00 N DEP

WARNING! CHECK AMT
 FOR EMPLOYEE IS ZERO

10	Kathie Hungerford	3.00	15.9300	H	47.79	61010		3	1	HRWP	HOURLY W/PENS	A	
	DEDUCTS:		6.2900	P	3.01	61010		4	1	IPER	IPERS	A	
			9.4400	P	4.51						BENEFIT		
	GROSS PAY												
PAY TOTAL	47.79	3.01	.00	.00	.00	.69	.00	.00	.00	.00	44.09	3.00	.00 N N

11	Thomas Cackler												
	GROSS PAY												
PAY TOTAL	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00 N DEP

WARNING! CHECK AMT
 FOR EMPLOYEE IS ZERO

EMP NO	NAME	HOURS	RATE	METH	EXTEND	C-CTR	W-CMP	CL	ID	ABRV	DESCRIPTION	AUTO	MESSAGE
TOTALS		302.67	19.04	.00	.00	4.39	.00	.00	279.24	19.00	.00		
					.00	4.39			EMPLOYER SS/MED TAX				
					.00	8.78			TOTAL SS/MED TAX				

TOT EMPLOYEES PROCESSED 6

-----\ WARNINGS ON JOURNAL!
 -----> 004 WARNINGS
 -----/ CHECK BEFORE CONTINUING!

ID	DEDUCTION DESC	DED AMT	BEN AMT
1	IPERS	19.04	28.57
	TOTAL	19.04	28.57

Kathie Hungerford
3 additional meetings
7.2 miles = 9.97

Mileage Log and Reimbursement Form

Employee Name **Kathie Hungerford**
 Employee ID _____
 Vehicle Description _____
 Authorized By _____

Rate Per Mile **\$0.580**
 For Period **From 7/01/19-12/31/19**
 Total Mileage _____
 Total Reimbursement _____

Date	Starting Location	Destination	Description/Notes	Mileage	Reimbursement
11/11/2019	Home	City Hall	DMWW to/from	2.4	\$1.39
11/18/2019	Home	City Hall	MSA to/from	2.4	\$1.39
11/25/2019	Home	City State Bank - Norwalk	Depository Res to/from	12.4	\$7.19
				17.2	\$9.97

Tom Becker
 Meetings/Mileage
 3rd Qtr
 16-meetings
 24.3 miles =
 \$188.11

Mileage Log and Reimbursement Form

Employee Name	Tom Becker	Rate Per Mile	\$0.580
Employee ID		For Period	From 6/01/19-12/31/19
Vehicle Description		Total Mileage	
Authorized By		Total Reimbursement	

Date	Starting Location	Destination	Description/Notes	Mileage	Reimbursement
6/27/2019	City Hall	Menards	Pot Hofe Patch	23.7	\$13.75
8/13/2019	City Hall	Des Moines	Sister Cities	41.1	\$23.84
8/23/2019	Home	City Hall	Job Interviews	0.1	\$0.06
9/10/2019	City Hall	Des Moines	Sister Cities	41.1	\$23.84
9/11/2019	Home	City Hall	DMWW	0.1	\$0.06
10/4/2019	City Hall	Knapp Properties, WDM	Meeting	23.2	\$13.46
10/8/2019	City Hall	Des Moines	Sister Cities	41.1	\$23.84
10/17/2019	Home	City Hall	Construction Meeting	0.1	\$0.06
10/24/2019	City Hall	Knapp Properties, WDM	Meeting	23.2	\$13.46
11/7/2019	Home	City Hall	Mark Miller Meeting	0.1	\$0.06
11/8/2019	Home	City Hall	Sewer Est. Meeting	0.1	\$0.06
11/18/2019	Home	City Hall	Planning/Zoning Meeting	0.1	\$0.06
11/22/2019	City Hall	City Attorney Office	Meeting	60	\$34.80
12/2/2019	City Hall	City Attorney Office	Meeting	60	\$34.80
12/13/2019	City Hall	City State Bank - Norwalk	Notary	10.2	\$5.92
12/17/2019	Home	City Hall	Meeting with City Administrator	0.1	\$0.06
				324.3	\$188.11

Angie Ritchie

From: Dino Goode <goode@cummings-iowa.com>
Sent: Thursday, January 02, 2020 1:49 PM
To: Angie Ritchie
Subject: Re: End of Quarter/Noise

I had two WRA meetings in the last quarter of 2019. Each meeting was 36 mile round trip for a total of 72 miles — 41.76 - mileage

Dino

2 meetings = 15.93 x 2

↳ go on next council period.

On Dec 27, 2019, at 11:14 AM, Angie Ritchie <deputyclerk@cumming-iowa.com> wrote:

Good Morning Everyone,

I am working on the fourth quarter as well as end of the year procedures so if you have any mileage or additional meetings please get that information to me as soon as possible. Thank you if you have already submitted your information.

Also, I wanted to update you all with noise issue in which we have been having challenges with. A representative of the company stopped by yesterday in regards to our letter, Angie Cooper, co-owner. She indicated that Absolute Transportation as well as PR Party Buses are no longer in business as of approximately 6 weeks ago. She said that Absolute Repair is still in business and when pressed about their hours of operations she indicated that they work 7:30-4:00 with most guys leaving by 5:00 p.m. She said that they did not have vehicles running after that time. I did verify that those businesses were in fact not simply seasonal but they were no longer in business (as they were advertised for weddings, etc.) She indicated that they were not. They still had busses on property that they need to sell. She knows that we were appreciative of her coming down and addressing that.

I called the resident today who had complained and began by asking how things have been as of late. She said pretty good, not too much noise. I let her know about the businesses across from her that are now out of business. It was then that she said it wasn't the buses but semi-trucks that have been parking there and running their engines all night. I let her know that she would need to call the Sheriff if that occurs again and to keep a detailed log in regards to when/why she called.

I then called Angie Cooper of Absolute Repair and explained about the semi-trucks and asked if she had a sign on her property indicating No Overnight Parking. She said that she did not. She became offensive in regards to the letter and complaint saying that there are other businesses on that property, one that in fact does have wrecked cars dropped off in the middle of the night by tow trucks. She indicated that she has a mother-in-law that lives across the street from the property who has indicated such activity and they have cameras as well. She said that she was unhappy with the City's treatment of them and felt that they were being harassed. She knows that that wasn't my intention at all. She knows that I am new here and was simply trying to address a concern that a resident had in regards to noise. She knows that it was me, not the City, that choose to contact her in regards to this as they were the only company with a sign out. She knows that we were planning on addressing the other company as well and that I just hadn't found their information. She admitted that she even has a difficult time with them in regards to contact as they are not there very often. I do now have the name of the property owner for further contact. I was able to de-escalate the situation and put her at ease that she was not in fact being targeted that I was simply trying to help a resident. She indicated that if it was such a big deal she didn't know why she hadn't heard from the sheriff as he calls her husband if there is an issue. I asked about this. Does the sheriff call your husband on his personal cell phone, after hours or during hours at work? She indicated that the sheriff has her husband's personal cell phone and calls if there is an issue when

Mileage Log and Reimbursement Form

Date	Starting Location	Destination	Description/Notes	Mileage	Reimbursement
10/2/2019	City Hall	Post Office	Mail	0.3	\$0.17
10/8/2019	City Hall	1551 East MLKJ Parkway, Des Moines	Sister Cities - To	17	\$9.86
10/8/2019	1551 East MLKJ P	4120 Concord Plz, WDM	Sister Cities - From	10	\$5.80
10/10/2019	City Hall	Post Office/Cumming Tap	Postings	0.3	\$0.17
10/14/2019	City Hall	Post Office	Mail - Newsletters	0.3	\$0.17
10/15/2019	City Hall	Post Office	Mail and Newsletters	0.3	\$0.17
10/15/2019	Home	City Hall	Hometown Pride	22	\$12.76
10/18/2019	City Hall	City State Bank - Norwalk	Deposit	10.24	\$5.94
10/24/2019	City Hall	Post Office	Mail	0.3	\$0.17
10/25/2019	City Hall	City State Bank - Norwalk	Deposit	10.24	\$5.94
10/29/2019	City Hall	Post Office	Mail	0.3	\$0.17
11/4/2019	Home	City Hall	Hometown Pride	22	\$12.76
11/5/2019	City Hall	7401 Register Drive, Des Moines	IPERS Training To	10.2	\$5.92
11/5/2019	7401 Register Drive, Des Moines	4120 Concord Plaza, West Des Moines	IPERS Training From	12	\$6.96
11/8/2019	City Hall	Post Office/Cumming Tap	Postings	0.3	\$0.43
11/12/2019	City Hall	Post Office/Cumming Tap	Mail and Postings	0.3	\$0.43
11/12/2019	4120 Concord Plaza	City Hall	Hometown Pride-To	11	\$6.38
11/12/2019	City Hall	4120 Concord Plaza	Hometown Pride-From	11	\$6.38
11/18/2019	City Hall	Post Office	Mail	0.3	\$0.17
11/19/2019	Post Office	City Hall	Mail	0.3	\$0.17
11/20/2019	Post Office	City Hall	Mail	0.3	\$0.17
11/21/2019	Post Office	City Hall	Mail	0.3	\$0.17
11/21/2019	City Hall	Post Office/Cumming Tap	Postings	0.3	\$0.17
11/22/2019	Post Office	City Hall	Mail	0.3	\$0.17
11/22/2019	City Hall	City State Bank - Norwalk	Deposit	10.24	\$5.94
11/25/2019	Post Office	City Hall	Mail	0.3	\$0.17
11/25/2019	City Hall	Post Office	Mail	0.3	\$0.17
11/26/2019	Post Office	City Hall	Mail	0.3	\$0.17
11/27/2019	Post Office	City Hall	Mail	0.3	\$0.17
12/2/2019	Post Office	City Hall	Mail	0.3	\$0.17
12/2/2019	City Hall	Post Office	Posting - Park and Rec	0.3	\$0.17
12/2/2019	Home	City Hall	Hometown Pride	22	\$12.76
12/3/2019	Post Office	City Hall	Mail	0.3	\$0.17
12/4/2019	Post Office	City Hall	Mail	0.3	\$0.17
12/5/2019	4120 Concord Plaza, West Des Moines	5291 Stoney Creek Ct., Johnson, IA	Budget Workshop - To	8.4	\$4.87
12/5/2019	5291 Stoney Creek Ct.,	4120 Concord Plaza, West	Budget Workshop - FR	8.4	\$4.87
12/6/2019	Post Office	City Hall	Mail	0.3	\$0.17
12/9/2019	Post Office	City Hall	Mail x 2	0.6	\$0.35
12/10/2019	Post Office	City Hall	Mail X 2	0.6	\$0.35
12/10/2019	City Hall	1551 East MLKJ Parkway, Des Moines	Sister Cities - To	17	\$9.86
12/10/2019	1551 East MLKJ P	4120 Concord Plz, WDM	Sister Cities - From	10	\$5.80
12/11/2019	Post Office	City Hall	Mail	0.3	\$0.17
12/12/2019	Post Office	City Hall	Mail	0.3	\$0.17
12/13/2019	Post Office	City Hall	Mail/Postings	0.6	\$0.35
12/13/2019	City Hall	City State Bank - Norwalk	Deposit/Notary	10.24	\$5.94
12/16/2019	Post Office	City Hall	Mail	0.3	\$0.17
12/16/2019	City Hall	UPS, West Des Moine	Drop off Ink Recycle	12.4	\$7.19
12/17/2019	Post Office	City Hall	Mail	0.3	\$0.17
12/18/2019	Post Office	City Hall	Mail X 2	0.6	\$0.35
12/19/2019	Post Office	City Hall	Mail	0.3	\$0.17
12/20/2019	Post Office	City Hall	Mail	0.3	\$0.17
12/20/2019	City Hall	City State Bank - Norwalk	Deposit	10.24	\$5.94
12/23/2019	Post Office	City Hall	Mail X2	0.6	\$0.35
12/23/2019	City Hall	City State Bank - Norwalk	Deposit	10.24	\$5.94
12/26/2019	Post Office	City Hall	Mail	0.3	\$0.17
12/27/2019	Post Office	City Hall	Mail	0.3	\$0.17
12/30/2019	Post Office	City Hall	Mail	0.3	\$0.17
				267.44	\$155.52

EMP NO	NAME	HOURS	RATE	METH	EXTEND	C-CTR	W-CMP	CL	ID	ABRV	DESCRIPTION	AUTO	MESSAGE
4	DAVE CHELSVIG	2.00	15.9300	H	31.86	61010		2	2	HRNP	HOURLY NO PENS	A	

PAY TOTAL	GROSS PAY	DEDS	FED TAX	SS TAX	MED TAX	STATE TAX	EIC PAY	NET PAY	HOURS	OT HRS	MTX	MCK
	31.86	.00	.00	1.98	.46	.00	.00	29.42	2.00	.00	N	N

TOTALS	31.86	.00	.00	1.98	.46	.00	.00	29.42	2.00	.00		
				1.98	.46	EMPLOYER SS/MED TAX						
				3.96	.92	TOTAL SS/MED TAX						

TOT EMPLOYEES PROCESSED 1

ID	DEDUCTION DESC	DED AMT	BEN AMT
----	-----	-----	-----

Mileage Log and Meeting Reimbursement Form

Employee Name	Dave Chelsvig	Rate Per Mile	\$0.545
Employee ID	City Council		
Vehicle Description	Personal Vehicle		
Authorized By			

Date	Starting Location	Destination	Description/Notes	Mileage	Reimbursement
10/17/2019	Cumming	Des Moines	Attend MPO meeting		\$15.93
10/17/2019	Cumming	Des Moines	Mileage - MPO meeting	35	\$19.07
				35	\$35.00

Dave Chelsvig 12-16-19

EMP NO	NAME	HOURS	RATE	METH	EXTEND	C-CTR	W-CMP	CL	ID	ABRV	DESCRIPTION	AUTO	MESSAGE											
13	ANGIE RITCHIE																							
		24.00	17.4500	H	418.80	62020			1	HR	Hrly Based Pay													
		35.13	17.4500	H	613.02	62010			1 1	HRWP	HOURLY W/PENS	A												
	DEDUCTS:		6.2900	P	64.90	61010			4 1	IPER	IPERS	A												
			9.4400	P	97.40						BENEFIT													
PAY TOTAL	GROSS PAY	1031.82	DEDS	64.90	FED TAX	34.77	SS TAX	63.97	MED TAX	14.96	STATE TAX	33.00	EIC PAY	.00	NET PAY	820.22	HOURS	59.13	OT HRS	.00	MTX	N	MCK	N

TOTALS	1031.82	64.90	34.77	63.97	14.96	33.00	.00	820.22	59.13	.00			
				63.97	14.96	EMPLOYER SS/MED TAX							
				127.94	29.92	TOTAL SS/MED TAX							

TOT EMPLOYEES PROCESSED 1

ID	DEDUCTION DESC	DED AMT	BEN AMT
1	IPERS	64.90	97.40
	TOTAL	64.90	97.40

CLAIMS REPORT
 Vendor Checks: 12/20/2019-12/20/201

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
GENERAL					
DAVE CHELSVIG	3RD QUARTER MILEAGE	35.00	35.00	5787	12/20/19
GWORKS	END OF YEAR SUPPLIES	89.62	89.62	5788	12/20/19
IPERS	IPERS	340.49	340.49	5790	12/20/19
KOCH BROTHERS, INC.	COPY FEES	359.56	359.56	5791	12/20/19
MIDAMERICAN ENERGY	STREET LIGHTS	705.81	705.81	5792	12/20/19
N/WARREN TOWN & COUNTY NEWS	11/19/19 MEETING MINUTES	20.55	20.55	5793	12/20/19
US BANK	Copier Lease	118.64	118.64	5794	12/20/19
WARREN COUNTY SNOW REMOVAL	SNOW REMOVAL	360.00	360.00	5795	12/20/19
	001 GENERAL TOTAL		2,029.67		
SEWER					
IOWA ONE CALL	UNDERGROUND LINE LOC.	53.10	53.10	5789	12/20/19
	610 SEWER TOTAL		53.10		
	Accounts Payable Total		2,082.77		
Payroll Checks					
	001 GENERAL		916.41		
	Total Paid On: 12/20/19		916.41		
	Report Total		2,999.18		

CLAIMS REPORT
CLAIMS FUND SUMMARY

FUND	NAME	AMOUNT
001	GENERAL	2,946.08
610	SEWER	53.10

	TOTAL FUNDS	2,999.18

CLAIMS REPORT
 Vendor Checks: 12/30/2019-12/30/2019

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
GENERAL					
ANGIE RITCHIE	4TH QTR MILEAGE		155.52	5805	12/30/19
IPERS	4TH QTR IPERS		109.48	5806	12/30/19
KATHIE HUNGERFORD	4TH QUARTER MILEAGE		9.97	5807	12/30/19
TOM BECKER	3RD & 4TH QTR MILEAGE		188.11	5808	12/30/19
TREASURER, STATE OF IOWA	STATE TAXES - 4TH QTR		620.00	5809	12/30/19
	001 GENERAL TOTAL		1,083.08		
	Accounts Payable Total		1,083.08		
Payroll Checks					
	001 GENERAL		308.66		
	Total Paid On: 12/30/19		308.66		
	Report Total		1,391.74		

CLAIMS REPORT
CLAIMS FUND SUMMARY

FUND	NAME	AMOUNT
001	GENERAL	1,391.74

	TOTAL FUNDS	1,391.74

CLAIMS REPORT
 Check Range: 1/03/2020- 1/03/2020

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
GENERAL					
ANGIE RITCHIE	SUPPLIES		28.87	5811	1/03/20
CENTURY LINK	Phone & Internet		244.23	5812	1/03/20
LARRY GOODE JR	4TH QUARTER MILEAGE		41.76	5813	1/03/20
N/WARREN TOWN & COUNTY NEWS	12/9 MEETING MIN PUBLISH		93.40	5814	1/03/20
VEENSTRA & KIMM INC	GWC 2&3 CONSTRUCT REVIEW		2,317.27	5815	1/03/20
WARREN CO AUDITOR	NOV 2019 ELECTION		140.56	5816	1/03/20

	001 GENERAL TOTAL		2,866.09		
			=====		
	Accounts Payable Total		2,866.09		

CLAIMS REPORT
CLAIMS FUND SUMMARY

FUND	NAME	AMOUNT
001	GENERAL	2,866.09
	TOTAL FUNDS	2,866.09

**Resolution 2020-11
City of Cumming**

Resolution Approving Consulting Services Agreement

WHEREAS, the City Council of the City of Cumming, Iowa, approved by vote at the Special City Council meeting on December 16, 2019, a proposal for consulting services presented to the City of Cumming by Donald Sandor; and

WHEREAS, the Consulting Services Agreement attached hereto is a memorialization of the proposal presented by Donald Sandor to the City of Cumming, Iowa; and

WHEREAS, the City Council of the City of Cumming, Iowa, hereby approves the attached Consulting Services Agreement between Donald Sandor and the City of Cumming, Iowa; and

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Cumming, Iowa:

Section 1. That the City of Cumming, Iowa, approves the Consulting Services Agreement attached hereto.

Section 2. That the Mayor of the City of Cumming, Iowa, is hereby directed to sign the attached Consulting Services Agreement.

Passed and approved this 13th day of January, 2020.

Tom Becker, Mayor

Attest: _____
Angie Ritchie, Deputy City Clerk

CONSULTING SERVICES AGREEMENT

Below are terms and conditions for a consulting services agreement between the City of Cumming, Iowa (City) and Donald Sandor (consultant). This agreement shall not create an employee/employer relationship between the City and the consultant.

(1) The consultant shall provide consulting services for the City as follows:

- a. Assist with the preparation and adoption of the FY 21 City budget.
- b. Work with developers, engineers, attorneys and others as needed to review proposed developments and make recommendations to the Planning and Zoning Commission, Mayor and City Council.
- c. Review current city operations, including staffing and service contracts for recommendations for the current operations and planning for future operational structure.

This review will include recommendations regarding the position of City Clerk, City Administrator, and other staffing positions that may be considered for now or in the future.

- d. Assist with current City bank accounts and financial operations until such time as City staffing is determined.
- e. Attend City Council meetings and Planning and Zoning Commission meetings. Attend other meetings as requested by the Mayor, the City Council, or the City Attorney to represent the City.

Meetings may include regularly scheduled metro wide meetings such as the WRA, Des Moines Waterworks, the MPO, or other regional organizations as well as meeting with other communities, developers, or governmental agencies.

- f. Assist with the recruitment and hiring of a City Clerk and other staff as requested.
- g. Provide other services that may be desired and requested by the Mayor and the City Council.

(2) The City of Cumming shall provide as follows:

- a. Access to City documents as are required and requested.
- b. Work space at City Hall.
- c. Compensate the consultant at a rate of \$100.00 per hour for all time worked. Time worked shall not include commuting time from the consultant's residence to City

Hall, but shall include any travel time to and from meetings attended on behalf of the City. Any use of personal vehicle, including commuting from residence to city hall and back, shall be reimbursed at the current IRS rate.

The consultant shall maintain and provide a log of mileage for reimbursement. The consultant shall maintain and provide a log of hours worked on behalf of the City.

Payment by the City to the consultant shall be made monthly following approval of payment for hours worked and mileage at the monthly City Council meeting.

- (3) It is anticipated that the consultant shall provide approximately twenty (20) hours of service per week. The exact number of hours will be variable depending upon the specific needs of the City at any time, and therefore the hours could be less than or more than twenty (20) hours in any given week.

It is further anticipated that the services provided by the consultant to the City shall conclude no later than April 30, 2020, unless extended by mutual agreement.

- (4) Either party may terminate this agreement by giving written notice of said termination to the other party.

CITY OF CUMMING, IOWA

ATTEST:

By _____
Tom Becker, Mayor

By _____
Angie Ritchie, Deputy City Clerk

DONALD SANDOR

By _____
Donald Sandor

RECOMMENDATION BY THE PLANNING & ZONING COMMISSION

Recommendation: Aye {Yes} 6 Nay {No} _____
How Many How Many

APPROVE REVISED CHAPTER 155 BUILDING REGULATIONS

Further Review Requested:

By Mayor/City Council

By City Attorney

By City Planner

Additional Information:

Requested Action To Be Taken By The City Council:

Motion

Resolution

Ordinance

Date: 10/22/19

Signature: 

Chair/Vice Chair/Secretary

ORDINANCE 2019-10

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CUMMING, IOWA, BY AMENDING PROVISIONS PERTAINING TO CHAPTER 155 BUILDING REGULATIONS

BE IT ENACTED by the City Council of the City of Cumming, Iowa:

SECTION 1. CHAPTER MODIFIED. Chapter 155 of the Code of Ordinances of the City of Cumming, Iowa, is repealed and the following adopted in lieu thereof: See Attached Chapter 155 Building Regulations.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed and Approved by the Council the _____ day of _____, 20__.

Tom Becker, Mayor

ATTEST:

Angie Ritchie, Deputy Clerk

First Reading: 12/9/19

Second Reading:

Third Reading:

I certify that the foregoing was published as Ordinance 2019-10 on the _____ day of _____, 20__.

Angie Ritchie, Deputy Clerk

CHAPTER 155

BUILDING REGULATIONS

155.01 Purpose
155.02 Administrative Provisions
155.03 Building Official
155.04 Permits Required
155.05 Application for Permit

155.06 Fee Schedule
155.07 Setbacks
155.08 Adoption of Building Codes
155.09 Conflict with State Laws

155.01 PURPOSE. The purpose of this chapter is to provide and establish reasonable rules and regulations for the construction and remodeling of residential property and the construction of other buildings in the City, and to adopt building codes regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures, and to provide for the issuance of permits and collection of fees.

155.02 ADMINISTRATIVE PROVISIONS. Administration of this chapter shall be as provided in this section and in the sections of the several codes herein named, which are hereby adopted by reference, to provide procedures for local enforcement of the codes, constituting the Cumming, Iowa, Building Codes.

155.03 BUILDING OFFICIAL. The Building Official shall be appointed by the Mayor, subject to approval of the City Council, for the enforcement of the Building, Electrical, Plumbing, Mechanical, Fire, Housing, Existing Buildings, and Property Maintenance Codes, and such other Ordinances as shall be assigned to said official. The Building Official shall perform such other duties as may be required by the Mayor and City Council. The Building Official shall be accountable for the issuance of all applicable permits under this chapter and shall have the power to render interpretations of this Code and to adopt and enforce rules and regulations supplemental to this Code, subject to approval of the Council, as said official may deem necessary in order to clarify the application of the provisions of this Code. Such rules, regulations, and interpretations shall be in conformity with the intent and purpose of this Code.

155.04 PERMITS REQUIRED. No person shall erect, construct, reconstruct, enlarge or improve any building or structure in the City, except those exempted under the adopted *International Building Code*, or cause the same to be done, without first obtaining a separate building permit for each such building or structure.

155.05 APPLICATION FOR PERMIT. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished for that purpose. Every such applicant shall:

1. Identify and describe the work to be covered by the permit for which application is made;
2. Describe the land on which the proposed work is to be done, by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work;
3. Indicate the use or occupancy for which the proposed work is intended;
4. Be accompanied by construction documents, site plan and other information as may be required;
5. Be signed by the applicant or the applicant's authorized agent, who may be required to submit evidence to indicate such authority;
6. State the valuation of the proposed work;
7. Give such other information as reasonably may be required by the Clerk or Building Official.

155.06 FEE SCHEDULE. The Building Permit Fee Schedule, as established by resolution of the Council, is on file at City Hall.

155.07 SETBACKS. All setbacks shall conform with the Zoning Ordinance (Chapter 165 of this Code of Ordinances).

155.08 ADOPTION OF BUILDING CODES. Pursuant to published notice and public hearing, as required by law, the following Codes are hereby adopted as and shall constitute the *Building Code* of the City, to regulate the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings or structures within the City, and the same are by this reference incorporated herein as fully and completely as if set forth in full herein.

1. The *International Building Code*, 2015 Edition and Appendix Chapters, as published by the International Code Council.
 - A. Sec. 101.1. Title. Insert “Cumming.”
 - B. Sec. 101.4.1. Electrical. After ICC Electrical Code insert “and the *National Electrical Code*, 2014 Edition, as published by the National Fire Protection Association.”
 - C. Sec. 104.11. Alternative methods. After paragraph insert “the Iowa Administrative Code 661, chapter 16, Div. VI, Part 2 Manufactured Home Construction is hereby adopted for installation of mobile (manufactured) homes.”
 - D. Sec. 108.2. Fees. After “in accordance with the” insert “attached schedule as established by Cumming.”
 - E. Sec. 108.3. Valuations. At the end of last sentence delete period and insert “using the latest Building Valuation Data Sheet.”
 - F. Sec. 1612.3. Insert “Cumming.”
 - G. Sec. 1612.3. Insert “2015.”
2. The *International Mechanical Code* and Appendix Chapters, 2015 Edition, as published by the International Code Council.
 - A. Sec. 101.1. Title. Insert “Cumming.”
 - B. Sec. 106.5.2. Fee Schedule. Insert “Cumming.”
 - C. Sec. 108.4. Penalties. Insert “Municipal Infraction, punishable by a fine specified in the Cumming Schedule of Fines.”
 - D. Sec. 108.5. Stop work. Insert “Municipal Infraction, punishable by a fine specified in the Cumming Schedule of Fines.”
3. The *International Plumbing Code* and Appendix Chapters, 2015 Edition, as published by the International Code Council.
 - A. Sec. 101.0. Title. Insert “Cumming.”
 - B. Sec. 106.6.2. Fee Schedule. Insert “Cumming” fee schedule.
 - C. Sec. 108.4. Penalties. Insert “Municipal Infraction, punishable by a fine specified in the Cumming Schedule of Fines.”
 - D. Sec. 108.5. Stop work. Insert “Municipal Infraction, punishable by a fine specified in the Cumming Schedule of Fines.”
 - E. Sec. 305.6.1. Insert “42 inches” in 2 places.
 - F. Sec. 904.1. Insert “12 inches”

4. The *National Electrical Code* and Appendix Chapters, 2014 Edition, as published by the National Fire Protection Association and the *International Electrical Code*, 2014 Edition, as published by the International Code Council.
 - A. Sec. 101.1. Title. Insert “Cumming.”
 - B. Sec. 404.2. Fee Schedule. Insert “Cumming” fee schedule.
5. The *International Fire Code* and Appendix Chapters, 2015 Edition, as published by the International Code Council.
 - A. Sec. 101.1. Title. Insert “Cumming.”
 - B. Sec. 109.3. Penalties. Insert “Municipal Infraction, punishable by a fine specified in the Cumming Schedule of Fines.”
 - C. Sec. 111.4. Stop work. Insert “Municipal Infraction, punishable by a fine specified in the Cumming Schedule of Fines.”
6. The *International Property Maintenance Code*, 2015 Edition, as published by the International Code Council.
 - A. Sec. 101.1. Title. Insert “Cumming.”
 - B. Sec. 103.6. Fee Schedule. Insert “Cumming” and “Rental Housing Compliance Inspection Fee Schedule.”
 - C. Sec. 304.14. Screens. Insert “April 15” and “September 15.”
 - D. Sec. 602.3. Heat. Delete “during the period from (date) to (date).”
 - E. Sec. 602.4. Work spaces. Delete “during the period from (date) to (date).”
7. The *International Residential Code for One & Two Family Dwellings* and Appendix Chapters, 2015 Edition, as published by the International Code Council.
 - A. Sec. R101.1. Title. Insert “Cumming.”
 - B. Sec. R104.11. Alternative methods. After paragraph insert “The Iowa Administrative Code 661, Chapter 16, Div. VI, Part 2, Manufactured Home Construction is hereby adopted for installation of manufactured (mobile) homes.”
 - C. Sec. R108.2. Permit fees. After “in accordance with the” insert “attached schedule as established by Cumming for the regular Building Permit Fee Schedule.”
8. The *International Energy Conservation Code* and Appendix Chapters, 2015 Edition, as published by the International Code Council.
 - A. Sec. 101.1. Title. Insert “Cumming.”
9. *International Fuel Gas Code* and Appendix Chapters, 2015 Edition, as published by the International Code Council.
 - A. Sec. 101.1. Title. Insert “Cumming.”
 - B. Sec. 106.5.2. Fee Schedule. Insert “Cumming.”
 - C. Sec. 108.4. Penalties. Insert “Municipal Infraction, punishable by a fine specified in the Cumming Schedule of Fines.”
 - D. Sec. 108.5. Permit fees. Delete after “established” and insert “for the various disciplines herein adopted.”

ORDINANCE 2019-09

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CUMMING, IOWA, BY AMENDING PROVISIONS PERTAINING TO CHAPTER 165.29 LANDSCAPING AND OPEN SPACE REQUIREMENTS

BE IT ENACTED by the City Council of the City of Cumming, Iowa:

SECTION 1. CHAPTER MODIFIED. Chapter 165.29 of the Code of Ordinances of the City of Cumming, Iowa, is repealed and the following adopted in lieu thereof: See Attached Chapter 165.29 Landscaping and Open Space Requirements.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed and Approved by the Council the _____ day of _____, 2019.

Tom Becker, Mayor

ATTEST:

Angie Ritchie, Deputy Clerk

First Reading: 11/11/2019

Second Reading:

Third Reading:

I certify that the foregoing was published as Ordinance 2019-09 on the _____ day of _____, 2019.

Angie Ritchie, Deputy Clerk

RESOLUTION 2020-01
City of Cumming

**APPOINT CENTRAL IOWA REGIONAL DRINKING WATER COMMISSION
REPRESENTATIVE**

WHEREAS, the Central Iowa Regional Drinking Water Commission (CIRDWC) mission is to improve Central Iowa and influence public policy through coordinated planning and cooperation in an effort to promote the wise use of resources with the goal of assisting members to promote efficient, effective infrastructure and operations to deliver adequate, safe, and affordable drinking water to the region, and

WHEREAS, the City of Cumming has been a member of the Central Iowa Regional Drinking Water Commission since 2000, and

WHEREAS, the City Council, City of Cumming, Iowa, does believe it is in the best interest of the City of Cumming, Iowa, to continue to be a member of the Central Iowa Regional Drinking Water Commission, and

WHEREAS, each governing body shall appoint a primary representative to act as liaison between the City and the Central Iowa Regional Drinking Water Commission,

NOW THEREFORE BE IT RESOLVED, that Charlie Ochanpaugh is hereby appointed as the primary representative and Thomas Cackler as alternate to the Central Iowa Regional Drinking Water Commission.

Passed and approved this 13th day of January, 2020.

Tom Becker, Mayor

Attest:

Donald Sandor, City Administrator

RESOLUTION 2020-02
City of Cumming

APPOINT IOWA COMMUNITIES ASSURANCE POOL REPRESENTATIVES

WHEREAS, the Iowa Communities Assurance Pool (ICAP) is a local government risk pool formed for the purpose of providing risk management services to its members and to defend, and protect its members against certain liabilities by offering property and liability coverage, and

WHEREAS, the City of Cumming has been a member of the Iowa Communities Assurance Pool since 1995, and

WHEREAS, the City Council, City of Cumming, Iowa, does believe it is in the best interest of the City of Cumming, Iowa, to continue to be a member of the Iowa Communities Assurance Pool, and

WHEREAS, each member shall appoint an individual and alternate representative to act as liaison between the City and the Iowa Communities Assurance Pool,

NOW THEREFORE BE IT RESOLVED, that Tom Becker is hereby appointed as the primary representative and Angie Ritchie as the alternate representative, to the Iowa Communities Assurance Pool.

Passed and approved this 13th day of January, 2020.

Tom Becker, Mayor

Attest:

Donald Sandor, City Administrator

RESOLUTION 2020-03
City of Cumming

**APPOINT IOWA MUNICIPALITIES WORKERS COMPENSATION ASSOCIATION
AGENT AND REPRESENTATIVE**

WHEREAS, the Iowa Municipalities Workers' Compensation Association (IMWCA) is a local government workers' compensation carrier, and

WHEREAS, the City of Cumming has a long-standing member of the Iowa Municipalities Workers' Compensation Association, and

WHEREAS, the City Council, City of Cumming, Iowa, does believe it is in the best interest of the City of Cumming, Iowa, to continue to be a member of the Iowa Municipalities Workers' Compensation Association, and

WHEREAS, each member shall designate an agent and individual representative to act as contact for the Iowa Municipalities Workers' Compensation Association,

NOW THEREFORE BE IT RESOLVED, that Joe Weinman, Weinman Insurance Services, 311 E 2nd Avenue, Indianola, Iowa 50125 is hereby appointed as the agent and Angie Ritchie be appointed as the individual representative.

Passed and approved this 13th day of January, 2020.

Tom Becker, Mayor

Attest:

Donald Sandor, City Administrator

RESOLUTION 2020-04
City of Cumming

APPOINT DES MOINES AREA
METROPOLITAN PLANNING ORGANIZATION REPRESENTATIVES

WHEREAS, the Des Moines Area Metropolitan Planning Organization (DMAMPO) membership is comprised of sixteen cities; an associate, non-voting city; and unincorporated portions of three counties in central Iowa, and

WHEREAS, the DMAMPO is located within the Central Iowa Regional Transportation Planning Alliance (CIRTPA) or Regional Affiliation 11, and

WHEREAS, the City of Cumming has been a member of the Des Moines Area Metropolitan Planning Organization since 1999, and

WHEREAS, the City Council, City of Cumming, Iowa, does believe it is in the best interest of the City of Cumming, Iowa, to continue to be a member of the Des Moines Area Metropolitan Planning Organization, and

WHEREAS, the Des Moines Area MPO's 28E Agreement states the representative or representatives who serve on the Des Moines Area MPO shall be a member or members of its governing body or other person appointed in the manner approved by such governing body, and

WHEREAS, each governing body shall appoint a primary representative to act as liaison between the City and the Des Moines Area Metropolitan Planning Organization,

NOW THEREFORE BE IT RESOLVED, that Brent Highfill is hereby appointed as the primary representative and Kathie Hungerford as alternate to the Des Moines Area Metropolitan Planning Organization. Anthony J. Bellizzi is hereby appointed to the Des Moines Area Metropolitan Planning Organization Technical Committee.

Passed and approved this 13th day of January, 2020.

Tom Becker, Mayor

Attest:

Donald Sandor, City Administrator

RESOLUTION 2020-05
City of Cumming

**APPOINT DES MOINES METROPOLITAN
WASTEWATER RECLAMATION AUTHORITY REPRESENTATIVES**

WHEREAS, the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) membership is comprised of eleven cities; three sanitary sewer districts; and two counties in central Iowa, and

WHEREAS, the City of Cumming has been a member of the Des Moines Metropolitan Wastewater Reclamation Authority since 2007, and

WHEREAS, the City Council, City of Cumming, Iowa, does believe it is in the best interest of the City of Cumming, Iowa, to continue to be a member of the Des Moines Metropolitan Wastewater Reclamation Authority, and

WHEREAS, the Des Moines Metropolitan WRA's 28E Agreement states the names of each participating community's representative(s) to serve on the Des Moines Metropolitan WRA Board shall be approved by the governing bodies of the participating communities, and

WHEREAS, each governing body shall appoint a representative to act as liaison between the City and the Des Moines Metropolitan Wastewater Reclamation Authority Board,

NOW THEREFORE BE IT RESOLVED, that Larry Goode Jr. is hereby appointed as the primary representative and Tom Becker as alternate to the Des Moines Metropolitan Wastewater Reclamation Authority. Anthony J. Bellizzi is hereby appointed to the Des Moines Wastewater Reclamation Authority Technical Committee.

Passed and approved this 13th day of January, 2020.

Tom Becker, Mayor

Attest:

Donald Sandor, City Administrator

RESOLUTION 2020-06
City of Cumming

APPOINTMENT OF A CITY ENGINEER

WHEREAS, The City Council, City of Cumming, Warren County, Iowa, has the authority to appoint and remove department heads, officers, and employees of the City, and

WHEREAS, The City of Cumming, Iowa, is in need of the specialized engineering knowledge of Anthony J. Bellizzi, and

WHEREAS, The City Council, City of Cumming, Iowa, has the authority to determine the powers and duties of each department or office is vested in the City Council, and

WHEREAS, in so appointing the City Engineer, the City Council finds that the employment of Anthony J. Bellizzi is in the best interests of the City,

THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized and directed to execute said resolution for the appointment of Anthony J. Bellizzi as City Engineer, for and on behalf of the City of Cumming, Iowa, for a two-year term ending December 31, 2021.

Passed and approved this 13th day of January, 2020.

Tom Becker, Mayor

Attest:

Donald Sandor, City Administrator

RESOLUTION 2020-07

City of Cumming

APPOINTMENT OF CITY ATTORNEY AND PROVISION OF COMPENSATION FOR LEGAL SERVICES

WHEREAS, In accordance with Chapter 19 of the Code of Ordinances of the City of Cumming, Iowa, the City Council shall appoint a City Attorney, and

WHEREAS, Attorney Geri D. Huser, Skinner Law Office, P.C. has experience as a municipal attorney and has been the City Attorney for the City of Cumming since June 2011, and

WHEREAS, Ms. Huser has agreed to continue providing legal services to the City of Cumming on an hourly fee basis of \$200.00 per hour, pursuant to the terms set out in the attached legal services agreement, and

WHEREAS, Geri D. Huser further agrees to bill the City of Cumming monthly, showing by date the amount of time spent on each matter and a breakdown of expenses incurred and will provide copies of receipts for actual out-of-pocket expenses to the City Clerk upon request, and

WHEREAS, The City Council, City of Cumming, Iowa, desires that Geri D. Huser, Skinner Law Office, P.C., be appointed as the City Attorney for the City of Cumming, Iowa, for a two-year term,

NOW, THEREFORE BE IT RESOLVED, that the City Council, City of Cumming, Warren County, Iowa, hereby appoints Geri D. Huser, Skinner Law Office, P.C., to the position of City Attorney for a two-year term ending December 31, 2021, and

BE IT FURTHER RESOLVED, by the City Council of the City of Cumming, Iowa, hereby approves the legal services agreement attached to this resolution and agrees to compensate Skinner Law Office, P.C., in accordance with the terms of that agreement.

Passed and approved this 13th day of January, 2020.

Tom Becker, Mayor

Attest:

Angie Ritchie, Deputy City Clerk

SKINNER LAW OFFICE

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

ED SKINNER (1936-2015)

R. BRADLEY SKINNER

CAMERON K. WRIGHT

160 ADVENTURELAND DRIVE NW, STE B

P.O. BOX 367

ALTOONA, IOWA 50009

T: (515) 967-4264

F: (515) 967-6486

January 10, 2020

City of Cumming
PO Box 100
Cumming, Iowa 50061

RE: 2020-2021 Legal Services Agreement – City of Cumming, Iowa

Dear Mayor:

Thank you for requesting that our firm provide legal services to the City of Cumming. Please excuse the formality of this letter, however our State Bar strongly recommends that written fee agreements be done in each case. We also like written agreements because we find our clients like to know what their rights and obligations are at the outset of our representation.

REPRESENTATION

Skinner Law Office, P.C. (hereinafter “SLO”) will act as City Attorney for the City of Cumming and provide legal services as requested by the Mayor and City Council, pursuant to the provisions of Chapter 19 of the City of Cumming Code of Ordinances.

USE OF E-MAIL

Although we support and intend to use e-mail as an efficient manner of communicating, as attorneys, we are required by our Code of Ethics to (i) exercise caution in using e-mail regarding client matters and (ii) obtain your consent to communicate with you via e-mail.

Attorney conduct in Iowa is governed by the Iowa Code of Professional Responsibility for Lawyers (“Code of Professional Responsibility”). Disciplinary Rule 4-101 of the Code of Professional Responsibility provides, in part, the following:

DR4-101(B). Except when permitted under DR4-101(C), a lawyer shall not knowingly:

- (1) Reveal a confidence or secret of a client.

DR4-101(C). A lawyer may reveal:

- (1) Confidences or secrets with the consent of the client or clients affected, but only after a full disclosure to them.

Since e-mail may be intercepted by third parties, the Iowa Supreme Court Board of Professional Ethics and Conduct in its Formal Opinion 96-1 stated:

- III. Pure inter-exchange of information or legal communication with clients is an exception to Division I of this opinion, but with sensitive material to be transmitted on e-mail counsel must have written acknowledgement by client of the risk of violation of DR 4-101 which acknowledgement includes consent for communication thereof on the Internet or non-secure Intranet or other forms of proprietary networks, or it must be encrypted or protected by password/firewall or other generally accepted equivalent security system.

The purpose of this letter is to (i) alert you to the risks of transmitting unprotected documentation to this office via e-mail and (ii) obtain your consent for this firm to transmit unprotected materials to you via e-mail. If you consent to this procedure, I would appreciate you executing the enclosed copy of this letter in the space provided below and returning the executed letter to me.

FEES AND COSTS

SLO will charge you the following hourly billing rates. Hourly billing rates are \$225 per hour for R. Bradley Skinner, \$200 per hour for Geri D. Huser, \$175 per hour for Cameron K. Wright, and \$100 per hour for paralegals/legal assistants. The contract rates will begin no later than January 1, 2020 and continue until December 31, 2021, or as approved by the Council and signed by the Mayor on behalf of the City of Cumming. Our hourly rates are normally revised at least annually as of January 1st of each year. If we do increase our rates, we will provide you with a list of our new rates.

SLO bills in increments of tenths of an hour. As you know, telephone conferences are generally treated as billable time. In addition, you will be responsible for related costs, including but not limited to, publication costs, court filings, messengers, full fare travel and telephone costs which arise during the course of our representation.

SLO will charge a maximum fee of \$350.00 for attendance at City Council Meetings and a maximum fee of \$300.00 for attendance at Planning and Zoning Meetings.

INVOICES

SLO will prepare and send a monthly invoice to you which will list hourly fees and costs as well as the task and amount of time expended on such tasks. If you disagree with our fees as shown on any statement, please call immediately. Typically, we resolve disagreements to the satisfaction of both sides with little inconvenience or formality.

WITHDRAWAL OR DISCHARGE OF ATTORNEYS

SLO shall have the right to withdraw its representation upon giving reasonable notice to you if:

- (a) You insist upon advancing any claim that is not warranted under existing law and cannot be supported by a good faith argument for an extension, modification, or reversal of existing law;

- (b) By your conduct, you unreasonably interfere with SLO's representation so that the firm cannot represent you effectively;
- (c) You disregard this Retention Agreement as to the payment of our fees and costs.

Subject to the foregoing provisions on the termination of SLO's representation, you have the right to terminate SLO's representation for any reason whatsoever, upon giving our firm reasonable notice. Upon termination of SLO's representation hereunder, whether due to SLO's withdrawal or discharge of SLO, SLO shall retain a duplicate file with respect to its representation. You will be responsible for paying any duplication and/or moving costs.

GENERAL

This agreement sets forth the entire agreement between the parties and neither party in executing this agreement relies on any inducements, promises or representations made by the other party other than as explicitly set forth herein.

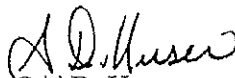
No waiver of any provision of this agreement shall be deemed or shall constitute a waiver of any other provision; nor shall any waiver constitute a continuing waiver. In the event any provision of this agreement shall be held to be invalid, illegal, or unenforceable, the same shall not affect, in any way whatsoever, the validity or enforceability of any other provision of this agreement.

FILES

Generally, we keep each client's legal files for a period of ten (10) years after we close the file. After ten (10) years, we destroy those files unless the client tells us otherwise. If you want us to keep your files for a longer period of time, please let us know.

If this letter accurately sets forth our agreement, please sign the enclosed copy of this letter in the space provided below and return it to us in the self-addressed, stamped envelope.

Sincerely yours,


Geri D. Huser

GDH/gns
Enclosure

ALL TERMS OF THIS LETTER ARE AGREED TO AND ACCEPTED ON this the
____ day of _____, 2020

By: Mayor Tom Becker

Attest:

Angie Ritchie, Deputy City Clerk

Resolution 2020-10
City of Cumming

Approving and Authorizing Execution of a 28E Intergovernmental Agreement between the City of Cumming and the Warren County Board of Supervisors regarding Law Enforcement Services

WHEREAS, The City of Cumming desires to provide regular law enforcement service to its residents, and

WHEREAS, The Warren County Sheriff's Office has an established law enforcement department and has agreed to provide law enforcement services to the City of Cumming, and

WHEREAS, The City of Cumming shall pay Warren County for seven hours of services per week, in the amount of \$8,729.00 the first year with a 9% increase in successive fiscal years for providing law enforcement services, and

WHEREAS, the full text of the agreement is found in a document entitled "Agreement and Four-Year Contract for Law Enforcement Services between the City of Cumming, Iowa, Warren County, Iowa and Warren County Sheriff, Warren County, Iowa", and

WHEREAS, Chapter 28E of the Code of Iowa provides for governmental bodies to enter into agreements for joint cooperation in the matters of mutual benefits, and

WHEREAS, the City Council, City of Cumming, Iowa, does believe it is in the best interest of the City of Cumming, Iowa, to approve and authorize execution of said 28E Intergovernmental Agreement for Law Enforcement Services,

NOW THEREFORE BE IT RESOLVED, by the City Council that the Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, said 28E Intergovernmental Agreement for Law Enforcement Services, for and on behalf of the City of Cumming, Iowa.

Passed and approved this 13th day of January, 2020.

Tom Becker, Mayor

Attest:

Donald Sandor, City Administrator

**AGREEMENT AND FOUR-YEAR CONTRACT FOR
LAW ENFORCEMENT SERVICES**

**Between the
CITY OF CUMMING, Warren County, State of Iowa
And
WARREN COUNTY SHERIFF, Warren County, State of Iowa**

28E Agreement

THIS AGREEMENT AND FIVE-YEAR CONTRACT FOR LAW ENFORCEMENT SERVICES is entered into this ____ day of _____, 2020, by Warren County by its Board of Supervisors, hereinafter referred to as the "County," and the City of Cumming, hereinafter referred to as the "City."

Chapter 28E of the Code of Iowa provides for governmental bodies to enter into Agreements for joint cooperation in the matters of mutual benefits. The County and City believe it is in the best interests of both entities and the citizens of the County and the City that the entities cooperate regarding law enforcement services.

TERMS. It is agreed that in consideration for the sum of \$8,729 paid by the City to the County, the County agrees to provide 7 hours of law enforcement services each week including the following:

1. The Sheriff will provide general patrol, traffic enforcement, nighttime security checks of businesses. Disaster assistance shall be provided in accordance with the City of Cumming Emergency Operations Plan.
2. Officers will file charges under City ordinances when applicable. The City will be responsible for any costs that may occur, pursuant to the Code of Iowa (2018), as a result of the same, i.e., incarceration fees, prosecution, etc.
3. The City will provide the Sheriff's office with an updated code of City ordinances and fines if applicable. The City also will provide an updated copy of the City of Cumming Emergency Operations Plan to the Sheriff's office.
4. The Sheriff also will provide the City Council with a monthly detailed log of Contract hours separate from other service calls. The monthly reports shall be due by the 10th day of the following month.

COOPERATION. The officers, agents, and employees of the City shall cooperate with the County in the performance of the County's duties.

DUTIES. The assignment of duties, discipline of County employees, and matters incident to the performance of the duties of County employees shall remain the responsibility of the County, as will payment and compensation of wages and benefits. The City shall provide requested information and reports to facilitate the County's assignment and supervision of personnel. The

City shall not be responsible for any worker's compensation claims arising from the performance of duties under this Agreement.

SEPARATE LEGAL ENTITY. No separate legal entity is created by this Agreement and no personal property shall be acquired by the City of Cumming or Warren County from the other entity.

RECORDS. Each party shall have access to all records necessary for financial auditing of the parties' transactions. The records shall be kept a minimum of five (5) years.

ADMINISTRATION OF AGREEMENT PROVISIONS. The Sheriff, or a person designated by the Sheriff, shall be responsible for the administration of this Agreement. If the Sheriff designates another person to administer the Agreement, the Sheriff shall notify the City by providing the name, email and telephone number for the designee.

PAYMENT. The City shall pay \$8,729, paid in two equal installments of \$4,364.50, first payment paid on December 15 and second payment paid on June 15, for Fiscal Year 2020.

Payments will increase annually by 9% in successive fiscal years, i.e., Fiscal Year 2021 (\$9,514), Fiscal Year 2022 (\$10,371), and Fiscal Year 2023 (\$11,304). Payments will be made in two equal installments, first payment on December 15 and second payment on June 15, for successive fiscal years.

BILLING. A designee of the Warren County Board of Supervisors will bill the City for payment pursuant to this Agreement and Contract. Payment shall be made to Warren County Treasurer.

DURATION. This Agreement shall be in effect from the date of approval by the Cumming City Council and the Warren County Board of Supervisors and shall remain in full force and effect unless either party terminate the Agreement for good cause by the Warren County Board of Supervisors or by resolution of the Cumming City Council. Such notice of termination from the Cumming City Council will be in writing and sent by certified mail to the County at office of the Warren County Board of Supervisors, 301 North Buxton Avenue, Suite 202, Indianola, Iowa 50125. Such notice of termination from Warren County will be in writing and sent by certified mail to the Mayor of Cumming, P.O. Box 100, 649 N. 44th St., Cumming, Iowa 50061. Termination shall be effective thirty (30) days after the date of service of said notice.

APPROVAL. The parties hereunto shall approve this Agreement by resolution of their respective boards or councils which shall authorize the execution of this Agreement. The termination of this Agreement shall not relieve either party to this Agreement of any obligation or liability arising during the term of the Contract.

ENTIRE AGREEMENT. This is the entire Agreement between the parties and it may be amended in writing with proper notification to the parties. The laws of the state of Iowa shall apply to the Agreement and Contract. All parties to this Agreement shall cooperate with each other to the fullest extent possible in order to facilitate and carry out the provisions of this Agreement.

Dated this _____ day of _____, 2020.

CITY OF CUMMING, IOWA

WARREN COUNTY, IOWA

By: _____
_____, Mayor

By: _____
Crystal McIntyre,
Chairman, Board of Supervisors

By: _____
_____, City Clerk

By: _____
Traci Vander Linden, Auditor

By: _____
Brian Vos, Warren County Sheriff

Resolution 2019-13
City of Cumming

Approving and Authorizing Execution of a 28E Intergovernmental Agreement between the City of Cumming and the Warren County Board of Supervisors regarding Law Enforcement Services

WHEREAS, The City of Cumming desires to provide regular law enforcement service to its residents, and

WHEREAS, The Warren County Sheriff's Office has an established law enforcement department and has agreed to provide law enforcement services to the City of Cumming, and

WHEREAS, The City of Cumming shall pay Warren County for seven hours of services per week, in the amount of \$8,008.00 per year for providing law enforcement services, and

WHEREAS, the full text of the agreement is found in a document entitled "Agreement and One-Year Contract for Law Enforcement Services between the City of Cumming, Iowa, Warren County, Iowa and Warren County Sheriff, Warren County, Iowa", and

WHEREAS, Chapter 28E of the Code of Iowa provides for governmental bodies to enter into agreements for joint cooperation in the matters of mutual benefits, and

WHEREAS, the City Council, City of Cumming, Iowa, does believe it is in the best interest of the City of Cumming, Iowa, to approve and authorize execution of said 28E Intergovernmental Agreement for Law Enforcement Services,

NOW THEREFORE BE IT RESOLVED, by the City Council that the Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, said 28E Intergovernmental Agreement for Law Enforcement Services, for and on behalf of the City of Cumming, Iowa.

Passed and approved this 11th day of February, 2019.

Tom Becker, Mayor

Attest:



Rachelle Swisher, City Clerk/Treasurer

COPY



Paul D. Pate
Secretary of State
State of Iowa

28E
Agreement

FOR OFFICE USE ONLY:

FILED

M511518

3/1/2019 10:38:21 AM

PLEASE READ INSTRUCTIONS ON BACK BEFORE COMPLETING THIS FORM

Item 1. The full legal name, organization type and county of each participant to this agreement are:

	Full Legal Name	Organization Type	*County
Party 1	Warren County, Iowa	County	Warren
Party 2	City of Cumming, Iowa	City	Warren
Party 3			
Party 4			
Party 5			

*Enter "Other" if not in Iowa

Item 2. The type of Public Service included in this agreement is: 350 Street and Road Systems
(Enter only one Service Code and Description) Code Number Service Description

Item 3. The purpose of this agreement is: *(please be specific)*
 A Joint Public Service Agreement for Warren County to provide services to the City of Cumming.

Item 4. The duration of this agreement is: *(check one)* Agreement Expires _____ Indefinite Duration
[mm/dd/yyyy]

Item 5. Does this agreement amend or renew an existing agreement? *(check one)*
 NO
 YES Filing # of the agreement: _____
(Use the filing number of the most recent version filed for this agreement)
 The filing number of the agreement may be found by searching the 28E database at: <http://sos.iowa.gov/28e>.

Item 6. Attach two copies of the agreement to this form if not filing online.

COPY

Item 7. The primary contact for further information regarding this agreement is: *(optional)*

LAST Name Carroll FIRST Name David
 Title Warren County Engineer Department Warren County Engineer
 Email engineer@warrencountyia.org Phone 515-961-1050

JOINT PUBLIC SERVICE AGREEMENT

WHEREAS, under Chapter 28E of the Code of Iowa, 2018, the County Board of Supervisors for Warren County, as a public agency, may enter into an Agreement with the City of Cumming, another public agency, to provide services to the mutual advantage of both agencies; and

WHEREAS, it is deemed to be in the best interest of Warren County and the City of Cumming, a City organized and existing under the laws of the State of Iowa, and of their respective citizens, that the County provide services for the City of Cumming.

NOW THEREFORE, the parties hereto do mutually agree as follows:

1. The County of Warren shall provide maintenance services for the City of Cumming as requested, on former County roads which were annexed into the Corporate Limits of the City of Cumming as shown in Exhibit A, to include and be limited to:
 - A. North 50th Street (20th Avenue), from County Highway G14 north approximately 0.5 miles to the City of Cumming Corporate Limits.
 - B. South 44th Place (25th Avenue), from County Highway G14 south approximately 0.25 miles to the City of Cumming Corporate Limits.
 - C. Cumming Avenue (Co. Hwy G14), from Warren/Madison County line east approximately 0.3 miles to the Iowa D.O.T. Right-of-Way.
 - D. Cumming Avenue (Co. Hwy G14), from approximately 0.25 miles east of N. 50th Street east approximately 0.5 miles.
 - E. Cumming Avenue (Co. Hwy G14), from approximately 0.25 miles east of N. 35th Street (30th Ave.) east approximately 0.5 miles.
2. The services provided, when requested, shall include, but not be limited to:

▪ Snow Removal	▪ Brush Control
▪ Ice Control	▪ Mowing
▪ Blade Maintenance	▪ Signing
▪ Granular Resurfacing	▪ Ditch Cleaning
▪ Pipe Culvert Repair and/or Replacement	
3. The City of Cumming shall pay Warren County for the actual cost to Warren County of all labor, equipment, materials and fringe benefits involved in the performance of the work.

COPY

The parties hereunto shall approve this 28E Agreement by resolution of their respective Board or Council, which shall authorize execution of this agreement. It shall then be filed in the Office of the Iowa Secretary of State and the Office of the County Recorder of Warren County, Iowa, in accordance with Chapter 28E, Code of Iowa, 2018. This agreement shall become effective when recorded with the County Recorder and shall remain in effect until terminated. This agreement may be terminated at any time with or without cause, by either party to this agreement. Notice of such termination shall be served in writing to Warren County, Iowa, at the Office of the Board of Supervisors of Warren County, Iowa or to the City Council of Cumming, Iowa at its principal place of meeting in that city by registered mail. Such termination shall be effective thirty (30) days after service of said notice.

The existing agreements between Warren County, Iowa and the City of Cumming, Iowa, established in accordance with provisions of Chapter 28E, Code of Iowa, and approved by the Warren County Board of Supervisors and the City Council of Cumming providing for a Joint Public Service Agreement of certain roads all within Warren County, Iowa, is herewith terminated and shall no longer be in effect upon approval and acceptance of this Agreement as provided herein.

The agreement shall not relieve either party of any liability imposed upon it by the Iowa law except to the extent that actual and timely performance during the term of the contract may be offered in satisfaction of the obligation or responsibility.

This is the entire agreement between the parties, and it may be amended only in writing. The laws of the State of Iowa shall apply to this contract of agreement.

All parties to this agreement shall cooperate with each other to the fullest extent possible in order to facilitate and carry out the provisions of this agreement.

OPY

IN WITNESS THEREOF, the County and City have caused this Agreement to be executed in six (6) counterparts, each of which shall be considered an original.

COUNTY OF WARREN, IOWA
Board of Supervisors

Passed and Approved the
19th day of February, 2019.

Crystal McIntyre
Crystal McIntyre, Chair

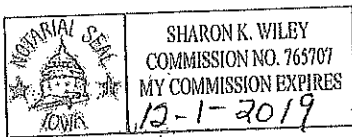
ATTEST:

Traci VanderLinden
Traci VanderLinden, County Auditor

STATE OF IOWA)
) SS:
COUNTY OF WARREN)

On this 28 day of February, 2019, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared CRYSTAL MCINTYRE and TRACI VANDERLINDEN, to me personally known, who being by me duly sworn, did say that they are the Chairperson of the Board of Supervisors and County Auditor, respectively, of WARREN COUNTY, IOWA; that the seal affixed to the foregoing instrument is the seal of the corporation; that the instrument was signed and sealed on behalf of the corporation, by authority of its Board of Supervisors, as contained in Resolution No. 19- 41 passed by the Board of Supervisors, on the 19th day of February, 2019, and CRYSTAL MCINTYRE and TRACI VANDERLINDEN acknowledged the execution of the instrument to be the voluntary act and deed of the county, by it voluntarily executed.

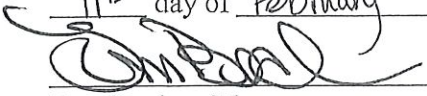
Sharon K Wiley
Notary Public in and for the State of Iowa



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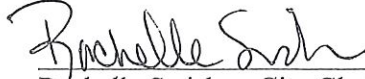
CITY OF CUMMING, IOWA
City Council

Passed and Approved the
11th day of February, 2019.



Tom Becker, Mayor

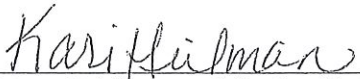
ATTEST:



Rachelle Swisher, City Clerk

STATE OF IOWA)
) SS:
COUNTY OF WARREN)

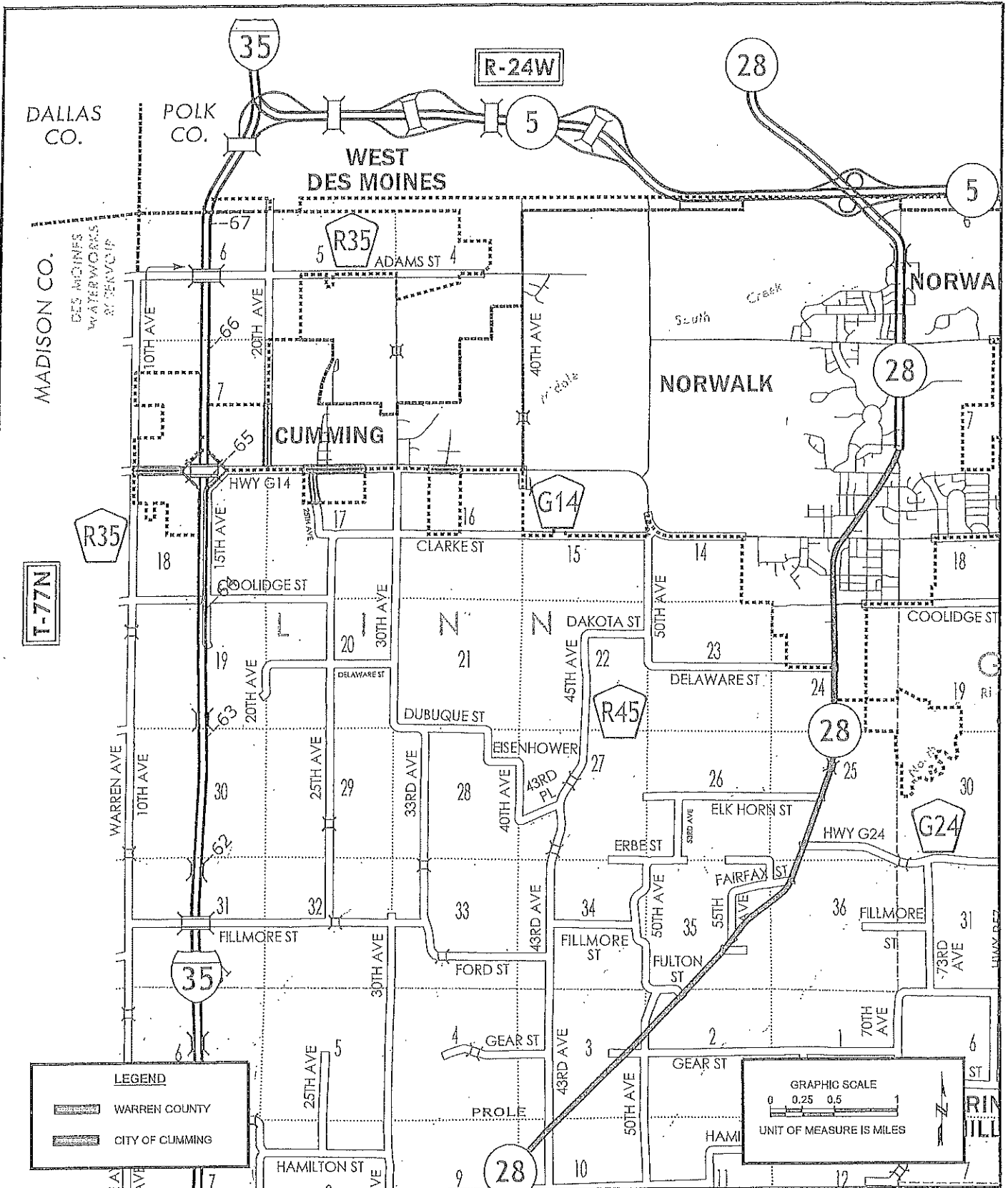
On this 15th day of February, 2019, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared TOM BECKER and RACHELLE SWISHER, to me personally known, and, who, being by me duly sworn, did say that they are Mayor and City Clerk, respectively of the CITY OF CUMMING, IOWA; that the seal affixed to the foregoing instrument is the corporate seal of the City, and that the instrument was signed and sealed on behalf of the City, by authority of its City Council, as contained in the Resolution adopted by the City Council, under Roll Call No. 2019-15 of the City Council on the 11th day of February, 2019, and TOM BECKER and RACHELLE SWISHER acknowledged the execution of the instrument to be the voluntary act and deed of the county, by it voluntarily executed.



Notary Public in and for the State of Iowa

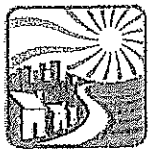


COPY



LEGEND
 [Dashed Line] WARREN COUNTY
 [Solid Line] CITY OF CUMMING

GRAPHIC SCALE
 0 0.25 0.5 1
 UNIT OF MEASURE IS MILES



**WARREN COUNTY
 SECONDARY ROADS DEPARTMENT
 ENGINEERING OFFICE**
 301 N. BUXTON STREET, SUITE 211
 INDIANOLA, IOWA 50125
 PH: (515) 961-1050

TITLE: EXHIBIT A	
PROJECT: JOINT PUBLIC SERVICE AGREEMENT BETWEEN CUMMING AND WARREN COUNTY	
DRAWN BY: davldc	DATE: 12/12/2018
SHEET NUMBER	1 OF 1

COPY

RESOLUTION NO. 2020-08
City of Cumming

**RESOLUTION SETTING TIME AND PLACE FOR A PUBLIC HEARING FOR
THE PURPOSE OF CONSIDERING THE MAXIMUM TAX DOLLARS FROM
CERTAIN LEVIES FOR THE CITY'S PROPOSED FISCAL YEAR 2020-2021
BUDGET**

WHEREAS, the City Council of Cumming, Iowa is preparing the annual budget for the Fiscal Year 2020-2021; and

WHEREAS, Iowa SF 634 requires a public hearing on the proposed maximum property tax dollars from certain levies where any resident or taxpayer of the City may present to the City Council objections or arguments in favor of the tax dollars before the budget is adopted and certified to the county auditor; and

WHEREAS, interested residents or taxpayers having comments for or against the maximum property tax dollar proposal from certain levies may appear and be heard at the public hearing at the City Council Meeting on January 27, 2020, at _____ PM at City Hall, 649 N. 44th Street, Cumming, Iowa.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Cumming, Iowa, that this confirms that the City Council order the publication of a notice of public hearing pertaining to proposed maximum property tax dollars from certain levies. The Deputy Clerk shall post notice of said hearing, which posting shall be at the three public places in said City which have been permanently designated by ordinance, such notice being in the form attached to this resolution, and such posting shall be not less than ten (10) days nor more than twenty (20) days prior to the date set for the hearing. A notice shall also be posted on the city website and social media accounts.

BE IT FURTHER RESOLVED, by the City Council of the City of Cumming, Iowa, that the Deputy Clerk is hereby authorized and directed to execute said Resolution.

Passed and approved this 13th day of January, 2020.

Tom Becker, Mayor

ATTEST:

Donald Sandor, City Administrator

CITY NAME Cumming	NOTICE OF PUBLIC HEARING -PROPOSED PROPERTY TAX LEVY Fiscal Year July 1, 2020 - June 30, 2021	CITY CODE 91-871
-----------------------------	---	----------------------------

The City Council will conduct a public hearing on the proposed Fiscal Year City property tax levy as follows:

Meeting Date: 1/27/2020	Meeting Time: 7:00 p.m.	Meeting Location: City Hall, 649 N. 44th Street, Cumming, Iowa
-----------------------------------	-----------------------------------	--

At the public hearing any resident or taxpayer may present objections to, or arguments in favor of the proposed tax levy. After adoption of the proposed tax levy, the Council will publish notice and hold a hearing on the proposed city budget.

City Web Site (if available): https://www.cumming-iowa.com		City Telephone Number: 515-981-9214		
Iowa Department of Management	Current Year Certified Property Tax 2019/2020	Budget Year Effective Property Tax 2020/2021**	Budget Year Proposed Maximum Property Tax 2020/2021	Annual % CHG
Regular Taxable Valuation	1 27,587,836	25,645,041	25,645,041	
Tax Levies:				
Regular General	2 \$223,461	\$223,461	\$207,725	
Contract for Use of Bridge	3 \$0	\$0		
Opr & Maint Publicly Owned Transit	4 \$0	\$0		
Rent, Ins. Maint. Of Non-Owned Civ. Ctr.	5 \$0	\$0		
Opr & Maint of City-Owned Civic Center	6 \$0	\$0		
Planning a Sanitary Disposal Project	7 \$0	\$0		
Liability, Property & Self-Insurance Costs	8 \$4,000	\$4,000	\$6,000	
Support of Local Emer. Mgmt. Commission	9 \$0	\$0		
Emergency	10 \$7,449	\$7,449	\$6,925	
Police & Fire Retirement	11 \$0	\$0		
FICA & IPERS	12 \$13,500	\$13,500	\$15,000	
Other Employee Benefits	13 \$6,240	\$6,240	\$7,200	
*Total 384.15A Maximum Tax Levy	14 \$254,650	\$254,650	\$242,850	-4.63%
Calculated 384.15A Maximum Tax Rate	15 \$9.23052	\$9.92980	\$9.46967	

Explanation of significant increases in the budget:

None

If applicable, the above notice also available online at:

<https://www.cumming-iowa.com>, <https://www.facebook.com/cummingdeputyclerk>

*Total city tax rate will also include voted general fund levy, debt service levy, and capital improvement reserve levy

**Budget year effective property tax rate is the rate that would be assessed for these levies if the dollars requested is not changed in the coming budget year

**Resolution 2020-09
City of Cumming**

**Set a Date for a Public Hearing to Amend the
Code of Ordinances, City of Cumming, Iowa, by Amending
Chapter 165.07 Adoption of Official Zoning Map**

WHEREAS, The City Council desires to consider amending Chapter 165.07 – Adoption of Official Zoning Map, and

WHEREAS, Iowa Law requires a Public Hearing be held before the Council prior to amending any changes in the Code of Ordinances,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of City of Cumming, Iowa, as follows:

Section 1. This Council will meet at the Cumming City Hall, Cumming, Iowa, on the 10th day of February, 2020, 7:00 P.M. at which time and place it will hold a public hearing on amending the Code of Ordinances for the City of Cumming.

Section 2. The City Clerk shall post notice of said hearing, which posting shall be at the three public places in said City which have been permanently designated by ordinance.

Passed and approved this 13th day of January, 2020.

Tom Becker, Mayor

Attest:

Donald Sandor, City Administrator

NOTICE OF PUBLIC HEARING
CITY OF CUMMING

**AMENDING CHAPTER 165.07 ADOPTION OF
OFFICIAL ZONING MAP**

Notice is hereby given that the City Council of the City of Cumming, Iowa, will conduct a public hearing on Monday, February 10, 2020, 7:00 P.M., at City Hall, 649 N. 44th Street, Cumming, Iowa, to receive comments on the following:

Amending the City of Cumming's Code of Ordinances,
Chapter 165.07, Adoption of Official Zoning Map

Additional information regarding this request may be obtained by contacting the City Clerk at 981-9214.

Anyone wishing to comment on this matter should attend this hearing or submit written comments at any time prior to the hearing. Send comments to City of Cumming, P. O. Box 100, Cumming, IA. 50061

RECOMMENDATION BY THE PLANNING & ZONING COMMISSION

Recommendation: Aye {Yes} 5 Nay {No} 0
How Many How Many

UPDATING of THE ZONING MAP.
- CHANGE REVERZ/DILIGENT PROPERTY FROM A-1 to PUD
- CHANGE I-1 WEST of TRAIL TO A-1
- REMOVE PUD CROSS-HATCH FROM THE CALLISON PLATS
WITHIN DOWNTOWN AREA.

Has never been done. Needs to go to Council.

By City Attorney

By City Planner

Requested Action To Be Taken By The City Council:

- Motion
- Resolution
- Ordinance

Date: 3/20/18

Signature: [Signature]

Chair/Vice Chair/Secretary

ORDINANCE 2020-01

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CUMMING, IOWA, BY AMENDING PROVISIONS PERTAINING TO CHAPTER 165.07 ADOPTION OF OFFICIAL ZONING MAP

BE IT ENACTED by the City Council of the City of Cumming, Iowa:

SECTION 1. CHAPTER MODIFIED. Chapter 165.07 of the Code of Ordinances of the City of Cumming, Iowa, is repealed and the following adopted in lieu thereof: See Attached Chapter 165.06 Establishment of Districts.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed and Approved by the Council the ____ day of _____, 2020.

Tom Becker, Mayor

ATTEST:

Donald Sandor, City Administrator

First Reading:

Second Reading:

Third Reading:

I certify that the foregoing was published as Ordinance 2019-07 on the _____ of _____, 2020.

Angie Ritchie, Deputy Clerk

165.06 ESTABLISHMENT OF DISTRICTS. The City is divided into districts, designated as follows:

- A-1 Agricultural District
- A-2 Annexation District
- R-1 Single-Family Residential District
- R-2 Two-Family Residential District
- R-3 Multi-Family Residential District
- RE-1 Single-Family Rural Estates District
- C-1 Highway Commercial District
- C-2 Central Business District
- C-3 Community Commercial District
- C-4 Professional Commerce Business District
- I-1 General Industrial District
- PUD Planned Unit Developments District

The locations and boundaries of these districts are shown on the official zoning map.

165.07 ADOPTION OF OFFICIAL ZONING MAP. The official zoning map, along with the explanatory material thereon, is hereby adopted by reference and declared to be a part of this chapter.

165.08 IDENTIFICATION OF OFFICIAL ZONING MAP. The official zoning map shall be identified by the signature of the Mayor attested by the City Clerk, under the following statement:

This is to certify that this is the official zoning map referred to in Section 165.07 of the Zoning Ordinance of the City of Cumming, Iowa, as adopted _____.

The official zoning map shall be on file in the office of the Clerk and shall be the final authority as to the current zoning status of land, buildings, and other structures in the City.

165.09 CHANGES IN OFFICIAL ZONING MAP. No changes in the official zoning map shall be made except as may be required by amendments to this Zoning Ordinance under Section 165.45. If required, such changes shall be promptly made and the ordinance number, nature of change, and date of change shall be noted on the map, approving such change in the official zoning map. Any unauthorized change of any kind whatsoever in the official zoning map by any person shall constitute a violation of this Zoning Ordinance. *(See Editor's Note at the end of this chapter for ordinances amending the zoning Map.)*

165.10 INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following township lines or section lines shall be construed as following such township lines or section lines.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

5. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 4 above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

6. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections 1 through 5 of this section, the Board of Adjustment shall interpret the district boundaries.

7. Where a district boundary divides a lot of record which was in single ownership at the time of the effective date of the Zoning Ordinance, the Board may permit, as a special exception or variance, the extension of the regulations for either portion of the lot, not to exceed 30 feet beyond the district boundary.

165.11 SCHEDULES OF DISTRICT REGULATIONS. The schedules in the following sections of this chapter are hereby adopted and declared to be a part of this Zoning Ordinance:

1. Section 165.12 – A-1 Agricultural District
2. Section 165.13 – A-2 Annexation District
3. Section 165.14 – R-1 Single-Family Residential District
4. Section 165.15 – R-2 Two-Family Residential District
5. Section 165.16 – R-3 Multi-Family Residential District
6. Section 165.17 – RE-1 Single-Family Rural Estates District
7. Section 165.18 – C-1 Highway Commercial District
8. Section 165.19 – C-2 Central Business District
9. Section 165.20 – C-3 Community Commercial District
10. Section 165.21 – C-4 Professional Commerce Business District
11. Section 165.22 – I-1 General Industrial District
12. Section 165.23 – PUD Planned Unit Developments District

[The next page is 717]

165.12 A-1 AGRICULTURAL DISTRICT REGULATIONS. The regulations set forth in this section or elsewhere in this chapter, which are applicable, shall apply in all A-1 Agricultural Zoning Districts. The A-1 Zoning District is intended and designed to preserve existing agricultural lands. This district is also intended for areas where public sanitary sewer service is not planned.

1. Principal Permitted Uses and Structures. Following are the principal uses and structures permitted in the A-1 Agricultural District:

A. Agricultural, horticulture, dairy farming, livestock farming, poultry farming, general farming, and other agricultural activities excluding commercial feedlots and confinements.

B. Single-family dwellings provided that no temporary buildings, trailers, mobile homes, tents, portable, or potentially portable structures shall be used for dwelling purposes.

C. Parks, playgrounds, or playfields.

D. Fairgrounds and campgrounds.

E. Cemetery, mausoleum, church, or other place of worship.

F. Public and parochial schools, elementary and secondary and other educational institutions having established current curriculum the same as ordinarily given in the public school system, but excluding boarding schools, nursery schools and child care centers provided that all principal buildings are set back a minimum of 75 feet from all property lines and the minimum lot size be no less than 10 acres.

G. Public library.

H. Private non-commercial recreational areas and centers, including country clubs, swimming pools, golf courses, and riding stables.

I. Forests, wildlife preserves, and wetlands.

2. Permitted Accessory Uses. Following are the accessory uses and structures permitted in the A-1 Agricultural District:

A. Farm buildings incidental to agricultural uses.

B. Private garages.

C. Private swimming pools and tennis courts.

D. Temporary roadside stand for the display and sale of agricultural products produced on the property, with the condition that area for parking is provided off the public street.

E. Private greenhouses not operated for commercial purposes.

F. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district, not involving the conduct of business on the premises, except home occupations, and located on the same lot or a contiguous lot under the same ownership.

G. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work.

3. Special Exception Uses and Structures. The following use may be permitted in the A-1 Agricultural District, subject to the approval of a special exception permit by the Board of Adjustment in accordance with subsections 165.42(2) and (3), after notice and public hearing.

A. Public utilities, but not including equipment storage or maintenance yards and building or general administrative and sales offices, provided that any substation or building shall meet the front and rear yard requirements for dwellings and shall provide side yard of no less than 25 feet.

4. Maximum Height Regulations. The maximum height for structures in the A-1 Agricultural District is two and one-half stories or 35 feet. The maximum height for accessory structures in the A-1 Agricultural Districts is 45 feet.

5. Bulk Regulations. The following minimum requirements shall be observed for permitted uses in the A-1 Agricultural District:

Use	Lot Area	Lot Width	Front Yard Setback	Side Yard Setback	Street Side Corner Lot	Rear Yard Setback
All uses	30 acres	660 feet	75 feet	50 feet	100 feet	75 feet

6. Special Requirements. No construction compliance certificate shall be issued for a dwelling unit in the A-1 Agricultural District for any parcel of land that is designated for commercial or industrial uses on the future land use plan of the City.

7. Wastewater Treatment Requirements. The lot area shall be increased by such amount as determined necessary by the County Health Officer to provide an adequate absorption field for a septic tank installation.

8. Sign Regulations. See Section 165.27.

9. Green Space and Buffer Requirements. See Section 165.29.

10. Off-Street Parking and Loading. See Section 165.47.

11. Architectural Standards. See Chapter 166.

12. Site Plan Requirements. See Section 165.48.

13. Special Exception Permits. See subsections 165.42(2) and (3).

[The next page is 723]

165.13 A-2 ANNEXATION DISTRICT REGULATIONS. The regulations set forth in this section or elsewhere in this chapter, which are applicable, shall apply in all A-2 Annexation Zoning Districts. The A-2 Annexation District is intended and designed to control the form and direction of future development so that City regulations (Zoning Ordinance, Building Code, etc.) could be used to ensure a beneficial effect for the City.

1. Principal Permitted Uses and Structures. Those uses of structures or land listed in this section shall be permitted in the A-2 Annexation District.
 - A. Those uses of structures and land permitted in the Agricultural District within Madison or Warren County, respectively, shall be permitted in the A-2 District.
 - (1) Residences constructed for occupation by a person engaged in farming or in a family farm operation.
 - (2) Nonconforming preexisting residences may be continued in residential use.
 - (3) Nonconforming preexisting businesses may be continued in commercial use.
 - B. Those uses of structures or land prior to annexation shall be permitted to continue for as long as the property remains in the same family ownership, undivided, and not rezoned by request of the property owner. Eventually the property must become subject to the regulations and services necessary to the health, welfare, safety, and convenience of the general public. At that time the City may rezone such property whenever municipal services become available.
 - C. Those uses of new structures or land after annexation may be permitted if:
 - (1) The use is not inconsistent with the purposes set forth in this section.
 - (2) The use does not seriously interfere with other operations within the area.
 - (3) The use does not materially alter the stability of the overall land use plan in the area.
2. Permitted Accessory Uses. Permitted accessory uses include uses of land or structures customarily incidental and subordinate to one of the permitted principal uses, unless otherwise excluded.
3. Sign Regulations. See Section 165.27.
4. Green Space and Buffer Requirements. See Section 165.29.
5. Off-Street Parking and Loading. See Section 165.47.
6. Architectural Standards. See Chapter 166.
7. Site Plan Requirements. See Section 165.48.
8. Special Exception Permits. See subsections 165.42(2) and (3).

165.14 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS. The regulations set forth in this section or elsewhere in this chapter, which are applicable, shall apply in all R-1 Single-Family Residential Zoning Districts, including the R-1 (80), R-1 (90), and R-1 (100) Zoning Districts. The R-1 Zoning Districts are intended and designed to preserve single-family residential neighborhoods, and to promote new single-family residential neighborhoods with a desired diversity of single-family housing sizes and costs.

1. Principal Permitted Uses. Only the use of structures or land listed in this subsection shall be permitted in the R-1 Zoning Districts of R-1 (80), R-1 (90), and R-1 (100).

A. A single-family dwelling on each lot or building site. No temporary buildings, trailers, mobile homes, tents, portable or potentially portable structures shall be used for dwelling purposes.

B. Parks, playgrounds, golf courses, and recreation areas.

C. Agricultural uses, provided that no sense of odors or dust are created; provided, however, no agricultural uses are permitted on platted lots with water and/or sewer connections except gardens established for the primary use of the property owner.

D. Community meeting or recreational building.

E. Churches, chapels, temples, synagogues, and similar places of worship and associated residence of clergy or ordained official of the religious organization.

F. School buildings used for accredited educational purposes.

G. Swimming, and tennis clubs or country clubs, and similar public and non-commercial privately owned uses.

H. Group quarters with more than four persons who are not related by blood or marriage and do not constitute a family as defined by this chapter shall not be permitted unless such use is permitted by over-riding State law, and if such use has adequate parking and meets all other site development requirements of this chapter.

2. Permitted Accessory Uses. The following uses may exist as part of or accessory to the permitted use:

A. Normal accessory buildings and structures for a dwelling, religious place of worship, and school similar to and including one private garage or carport, swimming pools, one storage building, children's playhouse, radio and television receiving antennas, barbecue pits, playground equipment, and tennis courts. Accessory structures for nonresidential uses are subject to review by the City for compliance with architectural standards. Whenever multiple accessory structures for nonresidential uses are proposed with the principal use, the accessory structures are subject to site plan review by the Planning and Zoning Commission and City Council, which may include compliance with architectural requirements for cumulative accessory floor area upon a recommendation from the Commission.

- B. Normal accessory buildings and structures for public recreation areas such as refreshment stands, playground equipment, all-weather shelters, tennis courts, and barbecue pits.
- C. Normal accessory buildings and structures associated with the keeping of domestic animals similar to and including cats, dogs, birds, and tropical fish.
- D. Private flower and vegetable gardening for non-commercial gain.
- E. Private greenhouses and horticultural nurseries not exceeding 300 square feet for non-commercial gain.
- F. Day care home.
- G. The taking of boarders or the leasing of rooms by a resident family, provided the total number of boarders and roomers does not exceed two per dwelling unit.
- H. Home occupations permitted and limited by Section 165.26 of this chapter.
- I. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
- J. Temporary use of a structure within a new subdivision as a job office and real estate office for the subject subdivision, which use shall terminate upon completion or abandonment of the project.
3. Special Exception Uses and Structures. Special exception uses and structures are permitted in the R-1 Single-Family Residential District in accordance with subsections 165.42(2) and (3), after notice and public hearing.
4. Maximum Height Regulations. No building shall exceed 35 feet in height, and no accessory structure shall exceed 15 feet in height, unless a greater height is permitted for a special exception.
5. Bulk Regulations. The following minimum requirements shall be observed for single-family dwellings in each of the following R-1 Single-Family Residential Districts and, other uses in any of the R-1 Districts:

Single-Family Dwellings and Other Uses	Intended Density	Lot Area	Lot Width	Front Yard Setback	Side Yard Setback, Least Width on Any One Side	Street Side, Corner Lot	Sum of Both Side Yard Setbacks	Rear Yard Setback
R-1(80)	3.0 units/acre	10,000 square feet	80 feet	35 feet	10 feet	25 feet	20 feet	35 feet
R-1(90)	2.6 units/acre	11,250 square feet	90 feet	35 feet	12 feet	25 feet	25 feet	35 feet
R-1(100)	2.0 units/acre	15,000 square feet	100 feet	40 feet	12 feet	25 feet	25 feet	40 feet
Other Uses	*	80,000 square feet	200 feet	50 feet	50 feet	*	100 feet	50 feet
Schools	*	10 acres	*	75 feet	50 feet	*	*	50 feet

6. Bulk Regulations for Accessory Structures. The cumulative total gross floor area of all permitted detached accessory structures shall not exceed 10 percent of the lot area, and occupy more than 30 percent of the rear yard. Accessory structures greater than 1,000 square feet shall be subject to the approval of a special exception permit by the Board of Adjustment in accordance with Section 165.42 after notice and public hearing. In no instance shall the accessory structure exceed the principal structure in building area or gross floor area.
7. Sign Regulations. See Section 165.27.
8. Green Space and Buffer Requirements. See Section 165.29.
9. Off-Street Parking and Loading. See Section 165.47.
10. Architectural Standards. See Chapter 166.
11. Site Plan Requirements. See Section 165.48.
12. Exception Permits. See subsections 165.42(2) and (3).

[The next page is 737]

165.15 R-2 TWO-FAMILY RESIDENTIAL DISTRICT REGULATIONS. The regulations set forth in this section or elsewhere in this chapter which are applicable, shall apply in the R-2, Two-Family Residential District. The R-2 Zoning District is intended and designed to preserve certain medium density residential areas with two-family dwellings, and permit additional areas to develop with two-family dwellings.

1. Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in the R-2 District.
 - A. Any use permitted in the R-1 Zoning District, provided such use shall comply with the minimum requirements of the R-2 Zoning District.
 - B. Two-family dwellings.
2. Permitted Accessory Uses. The following uses may exist as part of, or accessory to the principal permitted and special exceptions:
 - A. All accessory uses permitted in and as limited in the R-1 Zoning Districts.
3. Special Exception Uses and Structures. Special exception uses and structures are permitted in the R-2 Two-Family Residential District in accordance with subsections 165.42(2) and (3), after notice and public hearing.
4. Maximum Height Regulations. No principal building shall exceed 35 feet in height, and no accessory structure shall exceed 15 feet in height, unless a greater height is permitted for a special exception.
5. Bulk Regulations. The following minimum requirements shall be observed for the R-2, Two-Family Residential District:

Principal Use	Lot Area	Lot Width	Front Yard Setback	Side Yard Setback, Least Width on Any One Side	Sum of Both Side Yard Setbacks	Rear Yard Setback
Day Care Center	40,000 square feet	150 feet	35 feet	25 feet	50 feet	35 feet
Multiple-Family Townhouses	*	*	*	*	*	*
Other Uses	80,000 square feet	200 feet	35 feet	50 feet	100 feet	35 feet

* Two-Family Townhouse - a townhouse, with two attached dwelling units, wherein the owner of the dwelling unit owns the lot beneath the dwelling unit, shall be permitted in the R-2 District provided the lot for one dwelling has a minimum area of 6,250 square feet, minimum width of 50 feet and minimum side yard setback of zero feet at the side lot line where the two dwellings are attached. Public street frontage shall not be required for townhouse lots which are part of a complex which does not require a public street as part of the City's transportation network and is master planned with a private common roadway serving the townhouse lots and maintained by an association of townhouse homeowners. A private, common roadway serving a complex of two-family townhouse dwellings shall not be greater than 600 feet in length for a cul-de-sac and 1,320 feet for a through street, which shall be intended to serve only dwellings within the complex. Individual townhouse lots shall not have minimum setback, lot width and area requirements, provided the tract of land

encompassing the townhouse lots and common areas has public street frontage; a minimum width of 100 feet; a minimum area of 40,000 square feet; maximum density of five dwelling units per acre, minimum separation of 15 feet between residential buildings; minimum separation of 25 feet between a residential building and common private roadways; and a minimum building setback of 30 feet from all boundaries of the complex, including public streets. The development of a townhouse complex shall require the approval of a site plan in accordance with the provisions of Section 165.48, Site Plans, and approval of Homeowners Association documents by the City, which establish provisions for maintenance of common areas.

6. Sign Regulations. See Section 165.27.
7. Green Space and Buffer Requirements. See Section 165.29.
8. Off-Street Parking and Loading. See Section 165.47.
9. Architectural Standards. See Chapter 166.
10. Site Plan Requirements. See Section 165.48.
11. Special Exception Permits. See subsections 165.42(2) and (3).

[The next page is 743]

165.16 R-3 MEDIUM DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS. The regulations set forth in this section or elsewhere in this chapter which are applicable, shall apply in the R-3 Medium Density Multiple-Family Residential District. The R-3 Zoning District is intended and designed for medium density residential areas of the City now developed with multiple-family dwellings and to permit additional areas to develop with medium density multiple-family dwellings.

1. Principal Permitted Uses. Only the use of structures or land listed in this subsection shall be permitted in the R-3 Zoning District.
 - A. Any principal permitted use in the R-2, Two-Family Residential District, except one-family dwellings, and such use shall comply with the minimum requirements of the R-2 District.
 - B. Multiple-family dwellings not exceeding four dwelling units per acre of lot area excluding public street right-of-way and provided apartment buildings have no greater than six dwelling units per building.
 - C. Day care center, day nursery or nursery school licensed by the State of Iowa, provided no building, structure, or accessory use for property so used is located less than 25 feet from any adjoining RE-1, R-1, or R-2 District boundary; and provided there is established and well maintained in connection therewith a completely fenced play lot of no less than 1,000 square feet in area for the first 20 or fewer children under care, with 25 square feet added to such play lot area for each additional designated child capacity of the principal building.
 - D. Churches, chapels, temples, synagogues, and similar places of worship.
 - E. Public and parochial schools (elementary and secondary), colleges and universities.
 - F. Cemeteries, including mausoleums and crematoriums.
 - G. Golf, swimming, and tennis clubs on country clubs and similar public and non-commercial privately owned uses.
 - H. Museums and libraries not operated for profit.
 - I. Buildings and uses owned by a city, county, state or other political subdivision which are operated for the social benefit or convenience of the public, but excluding equipment storage yards and garages which are operated and maintained for the necessary business and industrial service of the community.
2. Permitted Accessory Uses. The following uses may exist as part of, or in accessory to the principal permitted or special exceptions.
 - A. All accessory uses permitted in and as limited in the R-2 Zoning District, provided such use shall comply with the minimum requirements of the R-3 Zoning District.
 - B. Management and sales offices associated and accessory to a multiple-family residential dwelling complex.
 - C. Recreation and service centers when provided as part of a multiple-family complex are limited primarily for use by residents and their guests.

3. **Special Exception Uses and Structures.** Special exception uses and structures are permitted in the R-3 Multiple-Family Residential District in accordance with subsections 165.42(2) and (3), after notice and public hearing.
4. **Maximum Height Regulations.** No principal building shall exceed 35 feet in height, and no accessory structure shall exceed 15 feet in height, unless a greater height is permitted for a special exceptions.
5. **Bulk Regulations.** The following minimum bulk requirements shall be observed in the R-3 Medium Density Multiple-Family Dwelling District:

Principal Use	Lot Area	Lot Width	Front Yard Setback	Side Yard Setback, Least Width on Any One Side	Sum of Both Side Yard Setbacks	Rear Yard Setback
Day Care Center	40,000 square feet	150 feet	35 feet	25 feet	50 feet	35 feet
Other Uses	80,000 square feet	200 feet	35 feet	50 feet	100 feet	35 feet

6. **Sign Regulations.** See Section 165.27.
7. **Green Space and Buffer Requirements.** See Section 165.29.
8. **Off-Street Parking and Loading.** See Section 165.47.
9. **Architectural Standards.** See Chapter 166.
10. **Site Plan Requirements.** See Section 165.48.
11. **Special Exception Permits.** See subsections 165.42(2) and (3).

[The next page is 749]

165.17 RE-1 SINGLE-FAMILY RURAL ESTATES DISTRICT REGULATIONS. The regulations set forth in this section or elsewhere in this chapter, which are applicable, shall apply in all RE-1 Single-Family Rural Estates Zoning Districts. The RE-1 Zoning District is intended and designed to preserve existing single-family residential neighborhoods and to promote new single-family residential neighborhoods with large estate lots that are rural in character. This district is also intended for areas where public sanitary sewer service is not planned.

1. Principal Permitted Uses. Only the use of structures or land listed in this subsection shall be permitted in the RE-1 Zoning Districts.
 - A. A single-family dwelling on each lot. No temporary buildings, trailers, mobile homes, tents, portable or potentially portable structures shall be used for dwelling purposes.
 - B. Publicly owned parks, playgrounds, golf courses, swimming pools and recreation areas. (Site Plan shall be reviewed by the Planning and Zoning Commission and approved by the City Council.)
 - C. Agricultural crops, truck farming, tree farms, and orchards, provided that no offensive odors are created, and provided further that no retail sales are permitted on the premises.
 - D. Churches, chapels, temples, synagogues and similar places of worship and associated residence of clergy or ordained official of the religious organization. (Site Plan shall be reviewed by the Commission and approved by the Council.)
 - E. Public and parochial elementary, junior high and middle schools. (Site Plan shall be reviewed by the Commission and approved by the Council.)
 - F. Golf, swimming, and tennis clubs or country clubs, and similar public and non-commercial privately owned uses. (Site Plan shall be reviewed by the Commission and approved by the City Council.)
 - G. Group quarters with more than four persons who are not related by blood, marriage, or adoption and do not constitute a family as defined by this chapter are not permitted unless such use is permitted by over-riding State law, and if such use has adequate parking and meets all other site development requirements of this chapter. (Site Plan shall be reviewed by the Commission and approved by the Council.)
2. Permitted Accessory Uses. The following uses may exist as part of or in accessory to the permitted use:
 - A. Normal accessory buildings and structures for a dwelling, religious place of worship and school, similar to and including one private garage or carport, swimming pools, one storage building, children's playhouse, radio and television receiving antennas, barbecue pits, playground equipment, and tennis courts.
 - B. Normal accessory buildings and structures for recreation areas such as refreshment stands, playground equipment, all-weather shelters, tennis courts, and barbecue pits.

C. Normal accessory buildings and structures to a residential use associated with the keeping of domestic animals similar to and including cats, dogs, birds, and tropical fish.

D. Private flower and vegetable gardening.

E. Private greenhouses and horticultural nurseries not exceeding 300 square feet of floor area.

F. Day care home as an accessory use in a dwelling unit where care, protection and supervision are provided, for a fee, at least twice a week to less than seven children at one time.

G. The taking of boarders or the leasing of rooms by a resident family, provided the total number of boarders and roomers does not exceed two per dwelling unit.

H. Home occupations as defined by this chapter.

I. Private stable, provided such building is located not less than 50 feet from the principal building of the lot under ownership, and such building is not located less than 100 feet from an existing dwelling not located on the lot under ownership, or 50 feet from the lot boundary, whichever is greater.

J. One horse for each one acre of land in excess of the minimum required lot area. No horse shall be permitted for the minimum lot area.

K. Private kennels, provided such building and fenced ground area are located not less than 200 feet from all property lines.

L. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.

M. Temporary use of a structure within a new subdivision as a job office and real estate office for the subject subdivision, which use shall terminate upon completion or abandonment of the project.

3. Special Exception Uses and Structures. Special exception uses and structures are permitted in the RE-1 Single-Family Rural Estates District in accordance with subsections 165.42(2) and (3), after notice and public hearing.

4. Maximum Height Regulations. No building shall exceed 35 feet in height, and no accessory structure shall exceed 15 feet in height, unless a greater height is permitted for a special exception.

5. Bulk Regulations. The following minimum requirements shall be observed for permitted uses in the RE-1 Single-Family Rural Estates District:

Use	Intended Density	Lot Area	Lot Width	Front Yard Setback	Side Yard Setback, Least Width on Any One Side	Sum of Both Side Yard Setbacks	Rear Yard Setback
Single-Family Dwellings	1.0 unit/acre	43,560 square feet	125 feet	35 feet	20 feet	40 feet	50 feet
Other Uses	*	80,000 square feet	200 feet	75 feet	50 feet	100 feet	50 feet

6. Bulk Regulations for Accessory Structures. The cumulative total gross floor area of all permitted detached accessory structures shall not exceed 10 percent of the lot area or occupy more than 30 percent of the rear yard. Accessory structures greater than 1,500 square feet shall be subject to the approval of a special exception use and structure permit by the Board. In no instance shall the accessory structure exceed the principal structure in height or gross building floor area.

7. Wastewater Treatment Requirements. A lot served by a public or community water system and not served by a public or community sanitary sewer system shall have a minimum lot area of one acre (43,560 square feet) and adequate area available to provide space for a permitted on-site treatment system with an on-site septic tank and absorption field for wastewater disposal. A lot not served by a public or community water and sanitary sewer system shall have a minimum lot area of 10 acres to provide adequate space to accommodate an on-site septic tank and absorption field for wastewater disposal and to protect any on-site or neighboring water supply well. In areas where public sanitary sewer is available, installation of sanitary sewer facilities are required.

8. Sign Regulations. See Section 165.27.

9. Green Space and Buffer Requirements. See Section 165.29.

10. Off-Street Parking and Loading. See Section 165.47.

11. Architectural Standards. See Chapter 166.

12. Site Plan Requirements. See Section 165.48.

13. Special Exception Permits. See subsections 165.42(2) and (3).

[The next page is 757]

165.18 C-1 HIGHWAY COMMERCIAL DISTRICT REGULATIONS. The regulations set forth in this section or elsewhere in this chapter, which are applicable, shall apply in all C-1 Highway Commercial Zoning District. The C-1 District is established as a district which the principal use of land is for establishments offering accommodations, supplies, or services to motorists, and for certain specialized uses such as retail outlets, extensive commercial amusements, and service establishments which although serving the entire community and its trading area do not and should not locate in other C Districts. The C-1 Highway Commercial District will ordinarily be located along numbered State or federal highways or other highways designated as major streets.

1. Principal Permitted Uses and Structures. Following are the principal uses and structures permitted in the C-1, Highway Commercial District:

A. Any principal permitted use in the C-2 Zoning District, provided such use shall comply with the minimum requirements of the C-1 Zoning District.

B. The following retail, commercial, and service establishments and uses:

- (1) Amusement parks, and outdoor stadiums and arenas.
- (2) Automobile, trailer, motorcycle, boat, and farm implement establishments for display, hire, rental, and sales (including sales lots); including all repair work in connection with personal or customers' vehicles.
- (3) Carpenter and cabinetmaking shops.
- (4) Car washes, including self-service.
- (5) Educational center, other than elementary and secondary schools
- (6) Gas stations or service stations
- (7) Golf courses
- (8) Greenhouses and plant nursery
- (9) Health and fitness club with indoor facilities
- (10) Hotels and motels
- (11) Lumber yards, retail only
- (12) Monument sales yards
- (13) Public auction buildings or rooms. (Does not include animal, vehicle auctions.)
- (14) Mini-warehouse
- (15) Small repair shop, including but not limited to bicycle, motorcycle, lawn mower, and garden tractor repair. All activities must be confined inside the buildings, including storage of parts and machines.
- (16) Any use which is found by the Zoning Administrator to be a use similar to one of the above named uses, and in his/her opinion, conforms to the intent of this section.

2. Permitted Accessory Uses. Following are the permitted accessory uses and structures permitted in the C-1 Highway Commercial District:

A. Any accessory use permitted in the C-2 Zoning District, providing such use shall comply with the minimum requirements of the C-1 Zoning District.

3. Special Exception Uses and Structures. Special exception uses and structures are permitted in the C-1 Highway Commercial District in accordance with subsections 165.42(2) and (3), after notice and public hearing.

4. Maximum Height Regulations. The maximum height for principal structures in the C-1 Highway Commercial District is three stories or 35 feet.

5. Bulk Regulations. The following minimum requirements shall be observed for permitted uses in the C-1 Highway Commercial District:

Use	Lot Area	Lot Width	Front Yard Setback	Side Yard Setback	Street Side Corner Lot	Rear Yard Setback
Schools, churches, other public or semi-public buildings	10 acres		75 feet	50 feet		50 feet
All other uses	20,000 square feet	125 feet	50 feet	*	30 feet	*
* No side or rear yard, except where apartments are above a store or shop, a rear yard of 20 feet shall be provided and where adjacent to an Agricultural zoning district or Residential zoning district, a side yard of 10 feet and a rear yard of 20 feet shall be provided or as specified in the buffer regulations.						

6. Frontage Road Requirement. Lots directly abutting arterial streets shall not exceed one drive access onto each such arterial street except as provided below. Common drives between adjacent landowners shall in lieu of individual drives be located with the common property line as the centerline of the drive and required to be located a minimum of 125 feet from any other drive as measured from centerline to centerline. One additional drive access may be permitted for a lot with continuous frontage in excess of 300 feet, or two additional drive accesses for continuous frontage in excess of 600 feet, if proper spacing is provided.

7. Sign Regulations. See Section 165.27.

8. Green Space and Buffer Requirements. See Section 165.29.

9. Off-Street Parking and Loading. See Section 165.47.

10. Architectural Standards. See Chapter 166.

11. Site Plan Requirements. See Section 165.48.

12. Special Exception Permits. See subsections 165.42(2) and (3).

165.19 C-2 CENTRAL BUSINESS DISTRICT REGULATIONS. The regulations set forth in this section or elsewhere in this chapter, which are applicable, shall apply in all of the C-2 Central Business Zoning District.

1. Principal Permitted Uses and Structures. Following are the principal uses and structures permitted in the C-2, Central Business District:

- A. Antique stores.
- B. Artists, architectural, engineering and surveying services.
- C. Automotive display, sales, service and repair.
- D. Automotive paint and body shops.
- E. Dry cleaners and laundry.
- F. Custom cabinetry, furniture upholstery and repair.
- G. Clubs, lodges, rental halls, and religious organizations.
- H. Banks, savings and loans, and other financial institutions with drive-in facilities and free-standing ATM machines permitted.
- I. Retail or variety stores.
- J. Formal wear and costume rental.
- K. Hardware stores.
- L. Personal services.
- M. Professional and semi-professional office buildings.
- N. Medical, dental, chiropractic, and veterinary clinics.
- O. Restaurants, cafe, tavern and catering services.
- P. Public buildings owned by federal, State, County, City or other political subdivision that is operated for the social benefit or convenience of the public and utilities but not including storage or maintenance yards or buildings.
- Q. Repair and restoration shops.
- R. Museums and libraries.
- S. Postal service (local substation of the United States) or private parcel post delivery service.
- T. Mini-warehousing for storage and outside storage within fencing. Anything stored outside of the building must be out of public sight from the street.
- U. Plumbing, heating and cooling sales, service and repair shops.
- V. Hotels or bed and breakfast inns, wherein guest rooms and dwelling units shall not be located on the first floor of the building.
- W. Printing, publishing and engraving.
- X. Dance or music studios.
- Y. Dwelling unit with a store or shop.

- Z. Community amusements.
 - AA. Small engine sales, service and rental.
 - BB. Manufacturing, assembling, compounding, processing, repairing and packaging uses that are contained within a building and create no offensive noise, dust, odor, vibration or electrical interference.
 - CC. Tool, die, machine shop, welding and metal fabrication.
 - DD. Any use which is found by the Zoning Administrator to be similar to one of the above named uses and conforms to the intent of this section.
2. Permitted Accessory Uses. Following are the permitted accessory uses and structures permitted in the C-2 Central Business District:
 - A. Uses and structures clearly incidental and necessary to their permitted principal uses or structures of this district.
 - B. Storage warehouses in conjunction with the permitted principal uses or structures of this district.
 - C. Temporary buildings used in conjunction with construction work, provided that such buildings shall be removed upon the completion or abandonment of the construction work.
 3. Special Exception Uses and Structures. Special exception uses and structures are permitted in the C-2 Central Business District in accordance with subsections 165.42(2) and (3).
 4. Minimum Lot Area and Width. There are no minimum requirements for lot area and width in the C-2 Central Business District.
 5. Minimum Required Front, Side and Rear Yards. Following are the minimum requirements for front, side, and rear yards in the C-2 Central Business District:
 - A. Front: five feet.
 - B. Side street, corner lot: five feet.
 6. Maximum Height. The maximum height for structures in the C-2 Central Business District is 2 1/2 stories or 35 feet.
 7. Permitted Signs. Permitted signs in the C-2 Central Business District are described in the City sign regulations. (See Section 165.27.)
 8. Minimum Required Off-Street Parking. The minimum off-street parking requirements for permitted principal uses and structures in the C-2 Central Business District are: two spaces provided for each business. (See Section 165.47)
 9. Buffer and Green Space Requirements. The minimum buffer and green space requirements for permitted principal uses and structures in the C-2 Central Business District are described in the City buffer and green space regulations. (See Section 165.29 of this chapter.)
 10. Architectural Standards. See Chapter 166.
 11. Site Plan Requirements. See Section 165.48.

165.20 C-3 COMMUNITY COMMERCIAL DISTRICT REGULATIONS. The regulations set forth in this section or elsewhere in this chapter, which are applicable, shall apply in all C-3 Community Commercial Zoning District. The C-3 District is intended to provide a wide range of commercial and retail uses and services for residents of the community and outside the community, and has performance standards that encourage quality of building design, site design, and construction aesthetically compatible with the desired character of the area.

1. Principal Permitted Uses and Structures. Following are the principal uses and structures permitted in the C-3, Community Commercial District:

A. Residential dwellings not exceeding six dwelling units per acre of total lot area, in addition to any other permitted use which may be located on the first floor of a building. Dwelling units shall not be located on the first floor of a building in order to preserve the first floor area for permitted nonresidential uses.

B. The following retail commercial and service establishments and uses:

- (1) Antique stores, but not including refinishing or refurbishing.
- (2) Artists' and architectural supply.
- (3) Automobile parts store; no repair work on site permitted.
- (4) Banks, savings and loans and other financial institutions with drive-in facilities permitted.
- (5) Bars and night clubs.
- (6) Billiard parlors and pool halls.
- (7) Clothing and accessory stores, including storage and repair of fur garments, but not including trading in furs.
- (8) Commercial art galleries.
- (9) Computers, typewriters, copiers, and similar office equipment retail sales and service.
- (10) Department or variety stores.
- (11) Electrical repair shops.
- (12) Floor covering stores, primarily engaged in retail sales and incidental installation, but not including establishments primarily engaged in installing or supplying building contractors.
- (13) Formal wear and costume rental.
- (14) Fruit stores and vegetable markets, provided that no outdoor or open-air display, sales, or storage shall be permitted except by special exception permit.
- (15) Grocery and food stores.
- (16) Hardware stores.
- (17) Hot tub or sauna sales, but not including swimming pools.
- (18) Household appliance stores.

- (19) Household furniture, retail sales but not including cabinets.
- (20) Household improvement products stores, i.e., paint, glass and wallpaper stores, retail sales to the general public only.
- (21) Interior decorations, including retail sales of draperies and curtains.
- (22) Luggage and leather goods.
- (23) Music or dance schools or studios, including instruction and exercise classes, but not including ballrooms or dance halls.
- (24) Office furniture, and supplies, retail sales only.
- (25) Pet shops, but not including boarding or outdoor kennels.
- (26) Postal service (local substation of United States) or private parcel post delivery service.
- (27) Radio, television, and music stores.
- (28) Sporting goods stores and bicycle shops, but not including sales of motorized vehicles.
- (29) Theaters; does not include drive-in theaters.
- (30) Toy stores.
- (31) Veterinarian clinics for household pets on an out-patient basis only; no overnight boarding or lodging except by special exceptions permit.
- (32) Any use which is found by the Zoning Administrator to be similar to one of the above named uses, and in his/her opinion, conforms to the intent of this section.

2. Permitted Accessory Uses. Following are the permitted accessory uses and structures permitted in the C-3 Community Commercial District:

A. Retail establishments and refreshment stands accessory to principal buildings; provided, however, there shall be no access to such place of retail use except from the inside of the principal building, complex, or internal courtyard, nor shall any identification signage, display of stock, goods or advertising for such be so arranged that it can be viewed from outside the principal building.

B. Storage areas incidental to the principal use, but not to exceed a floor area which is equal to 25 percent of the floor area used by the principal use, and such storage shall be wholly contained within the principal building.

C. Temporary use of buildings or trailers for uses incidental to construction work, which buildings or trailers shall be removed upon the completion or abandonment of the construction work.

3. Special Exception Uses and Structures. Special exception uses and structures are permitted in the C-3 Community Commercial District in accordance with subsections 165.42(2) and (3), after notice and public hearing.

4. Maximum Height Regulations. The maximum height for principal structures in the C-3 Community Commercial District is three stories or 35 feet.

5. Bulk Regulations. The following minimum requirements shall be observed for permitted uses in the C-3 Community Commercial District:

Use	Lot Area	Lot Width	Front Yard Setback	Side Yard Setback	Street Side Corner Lot	Rear Yard Setback
All uses	20,000 square feet	100 feet	30 feet	10 feet	20 feet	35 feet

6. Frontage Road Requirement. Lots directly abutting arterial streets shall not exceed one drive access onto each such arterial street except as provided below. Common drives between adjacent landowners shall in lieu of individual drives be located with the common property line as the centerline of the drive and required to be located a minimum of 125 feet from any other drive as measured from centerline to centerline. One additional drive access may be permitted for a lot with continuous frontage in excess of 300 feet, or two additional drive accesses for continuous frontage in excess of 600 feet, if proper spacing is provided.

- 7. Sign Regulations. See Section 165.27.
- 8. Green Space and Buffer Requirements. See Section 165.29.
- 9. Off-Street Parking and Loading. See Section 165.47.
- 10. Architectural Standards. See Chapter 166.
- 11. Site Plan Requirements. See Section 165.48.
- 12. Special Exception Permits. See subsections 165.42(2) and (3).

[The next page is 777]

165.21 C-4 PROFESSIONAL COMMERCE BUSINESS DISTRICT REGULATIONS.

The regulations set forth in this section or elsewhere in this chapter, which are applicable, shall apply in all C-4 Professional Commerce Business Zoning District. The C-4 District is established as a district intended to serve both neighborhoods and the community with the development of professional, semi-professional, and public service buildings and office buildings.

1. Principal Permitted Uses and Structures. Following are the principal uses and structures permitted in the C-4, Professional Commerce Business District:

- A. Professional and semi-professional office buildings for the following:
- (1) Abstract title.
 - (2) Accountants and Bookkeeping.
 - (3) Actuaries.
 - (4) Advertising agencies.
 - (5) Adjusters (insurance).
 - (6) Aerial survey and photography.
 - (7) Appraisers - no sale or rental of any type of merchandise or equipment.
 - (8) Architects.
 - (9) Attorneys.
 - (10) Auditors.
 - (11) Banks and financial institutions.
 - (12) Blueprinting and photocopying services.
 - (13) Business analysts - counselors or brokers.
 - (14) Business associations and other membership organizations.
 - (15) Building contractors, office only (no shops or storage).
 - (16) Chiropractors.
 - (17) Commercial photography, art and graphics.
 - (18) Consulates.
 - (19) Counseling, child guidance and family service.
 - (20) Court reporter and public stenographers.
 - (21) Credit reporting.
 - (22) Dentists.
 - (23) Detective agencies and investigating services.
 - (24) Drafting and plan services.
 - (25) Engineers, professional.
 - (26) Insurance and bonds.

- (27) Legal services.
- (28) Management, consulting, and public relations services.
- (29) Manufacturer's agents.
- (30) Market research.
- (31) Medical doctors and practitioners.
- (32) Model agencies or schools.
- (33) Mortgage brokers.
- (34) Notary public.
- (35) Opticians.
- (36) Optometrists.
- (37) Podiatrists.
- (38) Public libraries.
- (39) Public relations.
- (40) Radio and television production and broadcast studios.
- (41) Real estate agents and brokers.
- (42) Real estate management.
- (43) Secretarial services.
- (44) Shoppers information services.
- (45) Social service bureaus.
- (46) Stock broker exchanges, investment services.
- (47) Surveying.
- (48) Tax consultants.
- (49) Telephone answering services.
- (50) Theater ticket agencies.
- (51) Travel agencies.
- (52) Zoning consultants.

B. Clinics or group medical centers, including dental clinics, but not including animal clinics.

C. Day care center, day nursery or nursery school, licensed in the State of Iowa, provided no building, structure, or accessory use for property so used is located less than 25 feet from any other principal building on any other lot in an R District; and provided there is established and well maintained in connection therewith a completely fenced play lot of no fewer than 1,000 square feet in area for the first 20 or fewer children under care, with 25 square feet added to such play lot area for each additional designated child capacity of the principal building.

- D. Professional business training school, whose functions are wholly contained within the structures, or otherwise effectively conceals its functions from visual, olfactory, or auditory observation outside the premises.
- E. Health and athletic fitness centers and clubs with all indoor facilities.
- F. Church, chapel, temple, synagogue and similar place of worship, and associated residence of clergy or ordained official of the religious organizations.
- G. Funeral homes and mortuaries.
- H. Buildings and uses owned by a County, City and County, City or other political subdivision which are operated for the social benefit or convenience of the public, but excluding equipment storage yards and garages which are operated and maintained for the necessary business and industrial service of the community.
- I. Museums and libraries not operated for profit.
- J. Swimming, athletic, and tennis clubs or country clubs and similar public and privately owned uses with outdoor facilities, by special exception permit.
- K. Any use which is found by the Zoning Administrator to be similar to one of the above named uses and, in his/her opinion, conforms to the intent of this subsection.

2. Permitted Accessory Uses. Following are the permitted accessory uses and structures permitted in the C-4 Professional Commerce District:

- A. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district, and located on the same lot or a contiguous lot under the same ownership.
- B. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work.

3. Special Exception Uses and Structures. Special exception uses and structures are permitted in the C-4 Professional Commerce Business District in accordance with subsections 165.42(2) and (3), after notice and public hearing.

4. Maximum Height Regulations. The maximum height for principal structures in the C-4 Professional Commerce District is four stories or 45 feet.

5. Bulk Regulations. The following minimum requirements shall be observed for permitted uses in the C-4 Professional Commerce District:

Use	Lot Area	Lot Width	Front Yard Setback	Side Yard Setback	Street Side Corner Lot	Rear Yard Setback
All uses	20,000 square feet	125 feet	50 feet	15 feet	30 feet	45 feet

6. Frontage Road Requirement. Lots directly abutting arterial streets shall not exceed one drive access onto each such arterial street except as provided below.

Common drives between adjacent landowners shall in lieu of individual drives be located with the common property line as the centerline of the drive and required to be located a minimum of 125 feet from any other drive as measured from centerline to centerline. One additional drive access may be permitted for a lot with continuous frontage in excess of 300 feet, or two additional drive accesses for continuous frontage in excess of 600 feet, if proper spacing is provided.

7. Sign Regulations. See Section 165.27.
8. Green Space and Buffer Requirements. See Section 165.29.
9. Off-Street Parking and Loading. See Section 165.47.
10. Architectural Standards. See Chapter 166.
11. Site Plan Requirements. See Section 165.48.
12. Special Exception Permits. See subsections 165.42(2) and (3).

[The next page is 785]

165.22 I-1 GENERAL INDUSTRIAL DISTRICT REGULATIONS. The regulations set forth in this section or elsewhere in this chapter, which are applicable, shall apply in all I-1 General Industrial Zoning Districts. The I-1 District is intended to provide areas of the City suitable for activities and uses of a general industrial nature.

1. Principal Permitted Uses and Structures. Following are the principal uses and structures permitted in the I-1, General Industrial District:
 - A. Any use permitted in the C-1 Zoning Districts, provided such use shall comply with the minimum requirements of the I-1 District.
 - B. Manufacturing and processing uses that are contained within a building and create no offensive noise, dust, odor, or vibration or create electrical interference.
 - C. Animal hospital or kennel.
 - D. Wholesaling and warehousing but not including the bulk storage of liquid fertilizer or petroleum product under pressure.
 - E. Farm implement display, sales, service and repair.
 - F. Lumber yard and building material sale and storage.
 - G. Truck display, sales, repair and storage.
 - H. Grain storage bins.
 - I. Grain elevator and feed mill.
 - J. Welding and repair shop.
 - K. Tool, die, and machine shop.
 - L. Railroads and public utilities including storage and maintenance yards.
 - M. Contractor's storage yard.
 - N. Automobile paint and body shops.
 - O. Plumbing, heating, air conditioning and sheet metal shops.
2. Permitted Accessory Uses. Following are the permitted accessory uses and structures permitted in the C-1 Highway Commercial District:
 - A. Uses and structures clearly incidental and necessary to the permitted principal uses or structure of this district.
 - B. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work.
 - C. Dwelling units for watchmen or caretakers employed on the premises provided that an open yard of at least 2,400 square feet is reserved and maintained for use by the occupants.
3. Special Exception Uses and Structures. Special exception uses and structures are permitted in the I-1 General Industrial District in accordance with subsections 165.42(2) and (3), after notice and public hearing.

4. Maximum Height Regulations. The maximum height for principal structures in the I-1 General Industrial District is 45 feet.
5. Bulk Regulations. The following minimum requirements shall be observed for permitted uses in the I-1 General Industrial District:

Use	Lot Area	Lot Width	Front Yard Setback	Side Yard Setback	Street Side Corner Lot	Rear Yard Setback
All uses	100,000 square feet	300 feet	50 feet	50 feet	100 feet	50 feet

- A. Multiple occupancy of a lot by more than one principal building shall be permitted, only if the site is developed as a complex with a master plan for the building site submitted for approval by the City with restrictions placed upon the property requiring that buildings are compatible in architectural design and use of exterior materials; organized in close physical proximity, utilizing a centrally planned open space, landscape plan and parking plan to serve and maintain a unified master plan concept, and provided parking areas are not located between buildings within the complex.
6. Sign Regulations. See Section 165.27.
7. Green Space and Buffer Requirements. See Section 165.29.
8. Off-Street Parking and Loading. See Section 165.47.
9. Architectural Standards. See Chapter 166.
10. Site Plan Requirements. See Section 165.48.
11. Special Exception Permits. See subsections 165.42(2) and (3).

[The next page is 791]

165.23 PUD PLANNED UNIT DEVELOPMENT DISTRICT REGULATIONS. The regulations set forth in this section or elsewhere in this chapter, which are applicable, shall apply in all PUD Planned Unit Development Zoning District. The PUD District is intended to provide for the development or redevelopment of land under the control and in accordance with a Master Plan and development guidelines and standards in which the land uses, transportation elements, building densities, arrangements, and types are set out in a unified plan, which may provide greater flexibility of land use, transfer of development rights within the PUD, bulk regulations, and building locations than the conventional zoning district may permit. The PUD District is intended to: maximize benefits from the use of open spaces; maximize aesthetics; encourage certain architectural standards for buildings, permit mixed uses and diversity of bulk regulations without endangering the health, safety, welfare, and land value of surrounding and internal properties. A PUD may consist of a mix of land uses of residential building types, commercial, and limited industrial, provided such Planned Unit Development is compatible with the Comprehensive Plan of the City.

1. Minimum Size, Land Use and Maximum Density. A PUD shall consist of at least 10 acres, land use types compatible with the Comprehensive Plan of the City, and the density of the PUD shall not be in excess of the density permitted by this section and compatible with the Comprehensive Plan. A Planned Unit Development may include multiple-family or two-family dwellings in areas designated as R-1 zoning in the Comprehensive Plan, if the proposed land use is compatible with land uses adjoining and outside the PUD, and the dwelling unit density of the PUD is not greater than 10 percent greater than the maximum density permitted by the underlying zoning as set forth in this subsection. The maximum number of dwelling units permitted in a PUD in areas of the City designated as RE-1, R-1, and R-2 shall be based on the following maximum dwelling unit per acre density by proposed zoning district:

<u>Zoning District</u>	<u>Maximum District Density</u>
RE-1	1 dwelling unit per acre
R-1 (100)	2 dwelling units per acre
R-2 (90)	2.6 dwelling units per acre
R-1(80)	3 dwelling units per acre

2. Master Plan. As part of a proposed Planned Unit Development rezoning of land in the City of Cumming, a Master Plan shall be prepared and 15 copies submitted to the City which shows the generalized overall land use plan for development of the area of the proposed PUD and shall include the following information:
 - A. A vicinity map of sufficient scale to show site boundaries and the zoning of adjacent properties within 1,000 feet.
 - B. Dimensions, legal descriptions, acreage, existing zoning, land use, and ownership of the area of the proposed PUD; and existing zoning, land use, and ownership of contiguous properties within 200 feet. The Master Plan shall be submitted on paper sheets of 24 inches by 36 inches.
 - C. The location and delineation of each parcel proposed with different land uses and bulk regulations, and a schedule of the proposed land use and bulk regulations for each parcel set forth by ordinance.

- D. Existing and proposed location of streets, pedestrian ways, trails, parks, recreation areas, open space, buffers, parking areas, schools, and anticipated traffic generation.
 - E. Area and number of dwelling units, and anticipated floor area of nonresidential buildings by parcel.
 - F. Existing tree masses, water channels, drainageways, flood hazard areas, and other topographic or environmentally important characteristics.
 - G. Proposed privately owned common areas and public ownership areas, including open space, park land, and school sites.
 - H. Location of existing or proposed municipal utilities to serve the PUD and adjoining properties, including sanitary sewer, storm sewer, water, gas, electric and telephone/fiber optic service.
 - I. In addition to storm sewer facilities, other required storm water management facilities and requirements shall be shown and/or explained on the Master Plan.
 - J. Dimensions of all street right-of-way and paving widths, including all proposed easements.
 - K. Staging schedule of development, including anticipated year construction shall be initiated and the phasing of development planned to be implemented.
 - L. Landscape areas proposed as part of small-scale PUD proposals to include general location of shrubs, trees and earth berms.
 - M. Delineate the traffic impacts that would result from the project and how they can be mitigated.
3. Rules, Regulations and Guidelines for Land Use and Performance. In conjunction with the submittal of Master Plan illustrating the location of each development parcel, there shall be prepared rules, regulations and guidelines for the development of the PUD, and such matters shall be part of the consideration by the Planning and Zoning Commission and the City Council and incorporated within an ordinance providing for the rezoning of the property to a PUD. The rules, regulations and guidelines shall set forth the permitted land use, bulk regulations, transfer of development rights within the area of the PUD, height requirements, open space and landscaping requirements, architectural standards, sign regulations, buffer requirements, off street parking and loading requirements, and other performance standards as required by the City for each parcel designated within the Master Plan. Any rules, regulations and guidelines set forth within the ordinance and Master Plan approved by the City Council providing for the rezoning shall be binding on the property owner, their heirs, successors or assigns, and shall be recorded at the Office of the County Recorder.
4. Process for City Review of Planned Unit Development. The Zoning Administrator or other delegated City personnel shall review the submitted PUD proposal; may discuss any suggestions or provide additional information to the Developer, and shall file a report together with the applicant's proposal to the Planning and Zoning Commission.

A. The Planning and Zoning Commission, after receipt of the report from the Zoning Administrator, or other delegated City personnel, and receipt of the PUD proposal, shall consider the presentation and give special attention to the following:

- (1) Compatibility with Comprehensive Plan.
- (2) Land use and density.
- (3) Building types, functions, architecture, buffers and arrangement.
- (4) Provision and use of open space and landscaping.
- (5) Access to and from the site, and traffic circulation.
- (6) General relationship to surrounding area.

B. The Planning and Zoning Commission may approve or disapprove the PUD Master Plan and associated development rules, regulations and guidelines as submitted, or may require the developer to modify, alter, adjust or amend the proposed Master Plan and associated rules, regulations and guidelines, as the Commission deems necessary, in order to preserve the harmonious intent and purpose of this Zoning Ordinance and the Comprehensive Plan of the City.

C. An application for approval of PUD shall be deemed a petition for rezoning to the PUD Zoning District, but prior to an affirmative report from the Commission the applicant shall file the necessary petition as prescribed in Amendments, Section 165.45.

D. Before any report is forwarded to the City Council by the Planning and Zoning Commission pertaining to an application submitted for a PUD, said Commission shall determine if such proposal is compatible with the Comprehensive Plan or if such proposal represents a substantial change to the Comprehensive Plan. The Commission shall hold a public hearing, giving notice as provided by law for a rezoning.

E. After a complete review by the Planning and Zoning Commission, a written recommendation and report giving reasons as to their action shall be filed with the City Council.

F. Within a period of 60 days after the City Council has received a report from the Planning and Zoning Commission, together with the proposed Master Plan, and rules, regulations, and guidelines of the PUD development, a public hearing shall be held by the City Council in accordance with the provisions of Section 165.45. The City Council shall then approve or deny the application, in accordance with Section 165.45.

5. Recording of Master Plan and Associated Rules, Regulations and Guidelines. The ordinance providing for the rezoning of property to the PUD Zoning District and the associated Master Plan, Rules, Regulations, and Guidelines as approved by the City Council shall be recorded at the Office of the County Recorder and shall be binding on the property owners, their heirs, successors or assigns.

6. Modifications. Any proposed modifications in the approved PUD shall first be reviewed by the Planning and Zoning Commission. Said proposed modification along with a report from the Commission shall then be forwarded to the City Council with appropriate recommendations. The City Council shall then take such appropriate action

on the proposed modification and their decision shall be final. No modification may be considered that is more than a 10 percent increase in density or change of uses on the site without a public hearing as required of a rezoning procedure. A public hearing may be required before the City Council on any modification, if determined by the Council. All modifications and adjustments shall be recorded at the Office of the County Recorder as required of the original rezoning.

[The next page is 801]

165.24 SUPPLEMENTAL DISTRICT REGULATIONS. The following provisions, regulations, or exceptions apply equally to all districts except as hereinafter provided.

1. **Visibility at Intersection.** On a corner lot in any district except the OC, Original Cumming District, no fence, wall, hedge, or other planting or structure that will obstruct vision between a height of two feet and ten feet above the centerline grades of the intersecting streets shall be erected, placed, or maintained within the triangular area formed by connecting the right-of-way lines at points which are 25 feet distant from the intersection of the right-of-way lines and measured along the right-of-way lines.
2. **Accessory Buildings.** No accessory building shall be erected in any required front yard. No separate accessory buildings shall be erected within three feet of any side yard property line or five feet of any rear yard property line, or occupy more than 30 percent of the required rear yard, or exceed 16 feet in height.
3. **More Than One Principal Structure on a Lot.** In any district, more than one principal structure housing a permitted principal use may be erected on a single lot provided that the area, yard, and other requirements of this chapter are met for each structure as though it were on an individual lot.
4. **Height Regulation Exception.** The height limitations contained in this chapter do not apply to spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housing, or other structures placed above the roof level and not intended for human occupancy.
5. **Use of Public Right-of-Way.** No portion of the public road, street, or alley right-of-way shall be used or occupied by an abutting use of land or structure for storage or display purposes, or to provide any parking or loading space required by this chapter, or for any other purpose that would obstruct the use or maintenance of the public right-of-way.
6. **Mailboxes and Structures in Public Rights-of-Way.** The construction or installation of any structure, except mailboxes, public sidewalks and driveway approaches, by any person other than an employee or agent of the City, County, or State government having jurisdiction shall not be permitted within the public street right-of-way, unless authorized by the City Council. Mailboxes located within the right-of-way of any public street within the City corporate limits shall have support structures that are constructed to readily break or bend without creating significant damage to a vehicle or a danger to its passengers upon impact with the mailbox. Mailboxes with a single four by four-inch or 4 and one-fourth-inch diameter wooden post or a metal post with a size no greater than a two-inch diameter standard-strength steel pipe and buried no more than 24 inches into the ground will be acceptable as a mailbox support within the right-of-way of any public street. A metal post shall not be fitted with an anchor plate, but it may have an anti-twist device that extends no more than 10 inches below the ground surface. The post-to-box attachment details should be of sufficient strength to prevent the box from separating from the post top if the installation is struck by a vehicle. Mailbox supports shall not be set in concrete, and shall not be constructed of brick, concrete, stone, or masonry of any type in the public right-of-way of any public street. Mailboxes within the right-of-way of any public street shall be located on the non-parking side of the roadway. The bottom of the box shall be set at an elevation established by the U.S. Postal Service, usually four feet above the roadway surface. On curbed streets, the roadside face of the mailbox shall be set back from the face of curb a distance of six to eight inches, and support structure 12 inches or more. On residential streets without curbs or all-weather shoulders, the roadside face of the mailbox shall be set back six to eight inches and support structure 12 inches or more behind the edge of pavement or graveled surface. On paved roads with drivable all-weather shoulders, the mailboxes shall be set back six to eight inches and support structure 12 inches or more from the edge of the shoulder. Where a mailbox is located at a driveway entrance, it shall be

placed on the far side of the driveway in the direction of the delivery route. Mailboxes shall maintain a minimum setback of 25 feet from the radius of an intersecting street.

7. **Proposed Use Not Covered In This Chapter.** Any proposed use not covered in this chapter as a permitted use or special exception shall be referred to the Commission for a recommendation as to the proper district in which such use should be permitted and the chapter amended as provided in Section 165.45 before a permit is issued for such proposed use.
8. **Buildings to Have Access.** Every building hereafter erected or structurally altered shall be on a lot or parcel having a frontage on a public street or road.
9. **Mobile Homes or Trailers.** Mobile homes occupied as a permanent or temporary place of residence shall be located only in an approved mobile home park or mobile home subdivision unless otherwise provided in this chapter and occupied travel trailers and camping trailers shall be located only in an approved tourist or trailer campground.
10. **Hedges and Fences.** Fences or hedges shall not exceed four feet in height in any required front yard and shall not exceed six feet in height in any required side or rear yard, subject to the further restriction of subsection 1 of this section.
11. **Loading.** All businesses except those in the OC District shall provide adequate off-street loading for all vehicles so that no public thoroughfare will be blocked at any time.
12. **Minimum Dwelling Dimensions.** The first floor of a residential dwelling shall not be less than 24 feet by 32 feet, exclusive of garages.

165.25 APPLICATION OF DISTRICT REGULATIONS. The regulations and restrictions of this chapter shall apply as follows:

1. **Regulations to be Uniformly Applied.** The regulations set by this chapter shall apply uniformly to each class or kind of structure or land, and particularly within each district, except as hereinafter provided.
2. **All Uses and Structures to Conform.** No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
3. **Height, Density or Yards Shall Not Be Violated.** No building or other structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, or to have narrower or smaller rear yards, front yards, side yards, or other open spaces, than herein required or in any other manner contrary to the provisions of this chapter.
4. **Separate Yards, Open Spaces and Off-Street Parking Required.** No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter shall be included as part of a yard, open space, or off-street parking, or loading space similarly required for any other building.
5. **Minimum Yards and Lot Areas May Not Be Reduced.** No yard or lot existing at the time of passage of this Zoning Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Zoning Ordinance shall meet at least the minimum requirement established by these regulations.
6. **Parking Requirements.** No parking space required by this chapter in a residential district shall be provided in any required front yard, within the required side yard along the street side of a corner lot, or within five feet of an interior side or rear lot line. No parking space required by this

chapter or any merchandise, display or exterior storage shall be provided in any required front yard or in the first five feet inside the property line of any required side or rear yard in a C-1 District.

7. Propane Tanks. All propane tanks over 500 gallons in capacity installed within the incorporated City shall be located at least 25 feet from any building or structure which is used as a business or residence and shall comply with all structures setback requirements for lot lines. (Small tanks shall be installed at least 10 feet from any building or structure.) All installations and hook-ups for such propane tanks must pass inspection by the Zoning Administrator and Fire Chief. Standards adopted are those adopted by the State of Iowa for such installations and hook-ups.



CITY OF CUMMING, IOWA

WATER STORAGE TANK
MAINTENANCE PROGRAM



84,000 GALLON
STANDPIPE TANK

AUGUST 22, 2018

Melinda Kurtz
Water Sales Consultant
515-344-6391



Melinda Kurtz
 Advanced Solutions
 Water System Consultant
 Mobile: (515) 344-6391
 Google Voice: (641) 732-2975
 Customer Service: (888) 987-6805
 mkurtz@utilityservice.com

Utility Service Co., Inc.
 6014 Dougan Drive
 Panora, IA 50216

Proposal From
UTILITY SERVICE CO., INC.

0 Peachtree St NE · Suite 1100 - Promenade · Atlanta, GA 30309
 Toll-free: 855-526-4413 | Fax: 478-987-2991
 utilityservice.com

Melinda Kurtz Local Phone: 515-344-6391
 SFID: 55245 CN: 31501 SO:

Proposal Submitted To: City of Cumming			Phone Number: 515-981-9214	Fax Number: 515-981-4981	
Street Address: 649 N. 44th Street			Description of Work to be Performed: Exterior Renovation		
City: Cumming	State: Iowa	Zip Code: 50061	Tank Name: City Tank		
Accounts Payable Contact Name: Rachelle Swisher	Email: cityclerk@cumming-iowa.com		Job Site Address: 649 N. 44th Street		
Job Contact (Inspection Reports): Rachelle Swisher	Email: cityclerk@cumming-iowa.com		County / Parish: Warren	Tank Size: 75,000	Tank Style: Standpipe

Utility Service Co., Inc. agrees to provide all labor, equipment, and materials needed to complete the following:

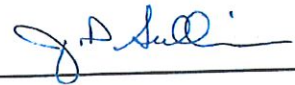
1. A date shall be coordinated by both parties for the Owner to drain the tank.
2. The complete exterior of the tank shall be pressure washed using a minimum of 3500 psi to remove all loose and chalking paint, dirt, mold and mildew.
3. The tank exterior shall be spot cleaned by hand- tooling/power-tooling method to SSPC-SP3 specifications and one spot coat of Tnemec primer applied to the failed areas.
4. One (1) full intermediate coat of a compatible Tnemec Series coating shall be applied to 100% of exterior surfaces.
5. One (1) full finish coat of a compatible Tnemec Series coating shall be applied to 100% of exterior surfaces.
6. Retrace letter logo on the tank.
7. A date shall be coordinated by both parties to conduct this visual inspection.

Please sign and date this proposal and fax one copy to our office.

Twenty Five Thousand Nine Hundred Ninety One -----00/100 Dollars \$25,991

Payment to be made as follows: **Payment Due in Full Upon Completion of Work – plus all applicable taxes**
Remittance Address: Utility Service Co., Inc., P O Box 674233, Dallas, TX 75267-4233

All material is guaranteed to be as specified. All work to be completed in a substantial workmanlike manner according to specifications submitted, per standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized
 USCI Signature 
 Note: This proposal may be withdrawn by us if not accepted within Sixty (60) days.

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Fiscal Yr Beginning Month _____ Signature _____
 Date of Acceptance _____ Printed Name _____

cityclerk@cumming-iowa.com

From: Klopfer, Dan [klopfer@dmww.com]
Sent: Monday, November 07, 2016 11:43 AM
To: Rachelle Swisher cityclerk@cumming-iowa.com
Cc: Kahler, Amy; Corrigan, Ted; Stowe, William
Subject: Budget - Cumming Standpipe

Rachelle,

Following are some budget numbers related to the Cumming, IA standpipe:

Painting:

1. Full commercial blast cleaning (SSPC-SP6) and coating of exterior of tank: \$36,000.
2. Full commercial blast cleaning (SSPC-SP6) and coating of interior of tank: \$24,000.
3. In lieu of #1 and #2 above, power-wash surface exterior and apply overcoat: \$26,000.

Given that the tank was originally painted in 1978 – 1979, there could be some lead paint or primer present that would need to be dealt with. It is suggested arrangements be made with a testing firm to obtain three or four samples from around the perimeter of the tank and test for a lead-based paint. The samples would need to go clear down to the base metal.


Demolition:

1. A budget number for demolition of the tank is \$45,000 and is based on a cost provided by Pittsburgh Tank and Tower Maintenance Company, Inc.
2. The budget number does not include removal of the concrete foundation which would add approximately \$10,000 to the cost.

Let me know if you have any questions or how you would like for us to proceed.

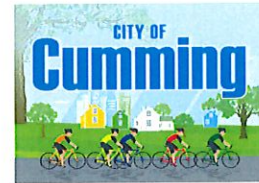
Thanks

Danny J Klopfer | Engineering Services Manager
Des Moines Water Works | **WATER YOU CAN TRUST FOR LIFE**
2201 George Flagg Parkway | Des Moines, Iowa 50321
phone: (515) 283-8754 | fax: (515) 283-2610 | e-mail: klopfer@dmww.com
www.dmww.com | Follow us on [Facebook](#) and [Twitter](#)

 Please consider the environment before printing this e-mail.

Patty Ruez 872-220-1529

11/7/2016



January 2020

Cumming Hometown Pride Committee

Cumming Water Tower Art Project - Call for Artists

OVERVIEW

The City of Cumming Hometown Pride committee invites artists to submit a bid to create and install an original artistic design on the Cumming Water Tower.

Artist Expectations and Abilities

- Artist will create and install an original artistic design on Cumming water tower.
- Artist understands and can manage the technical needs of working on a large scale “canvas” such as a water tower. Artist can take the necessary safety precautions to avoid injury to self, others, and property.
- Artist has technical knowledge of the specialized materials/paints needed for a project of this nature.
- Artists will be required to provide proof of liability insurance.

Location

- Cumming Water Tower, 649 N 44th St, Cumming Iowa

Expected Timeline

- Artist application due **January 31st, 2020**. Submit application in written or digital format to: City Clerk, Attn. Call for Artists, PO Box 100, 649 N 44th Street, Cumming, Iowa, 50061 / cityclerk@cumming-iowa.com
- February: The Cumming Hometown Pride committee and Cumming City Council will review bids.
- March/April: Based on bids, the committee will secure the necessary funding. Please note: Proceeding with the project is contingent on acquiring full funding. Funding is expected to come from a combination of the City budget and a grant.
- May/June: Once funding is confirmed, the selected Artist will be hired. Artist will work with the Cumming Hometown Pride committee to develop the design. The City will be responsible any prep work on the water tower (cleaning, base coat of paint, etc.)
- June/July/August: Work/painting on tower begins
- Project completed by the end of September 2020

Cumming Public Art Vision

- Our Vision for Public Art in Cumming is to “Enhance Community Experiences and Pride.”
- We prioritize public art that reflects one or more of the following themes: the City’s agricultural history, the Great Western Bike Trail, native prairie grass land, and small town country living.
- The name of the town “Cumming” is incorporated into the design.
- Additional City information can be found at <https://www.cumming-iowa.com/>

Selection Process

- Priority will be given first to artists located in or near Cumming, and second to artists located in Iowa. However, applications from any location will be considered.
- Works will be selected by the Cumming Hometown Pride committee, with final approval by the Cumming City Council.
- Contact for questions is Patrick Whalen 515-229-9313.

Required Artwork Characteristics

Please note the selected artist must agree to create artwork that complies with the following criteria:

- Artwork must be an original work of the artist (in concept, composition and execution)
- Artwork is suitable for public viewing
- Artwork does not adversely impact the structural integrity of the water tower
- Artwork is suitable for outdoor display in adverse weather conditions
- Artwork has soundness of construction, is durable and is safe for viewing
- Artwork will be subject to approval by the Hometown Pride committee

Application

Please include the following as part of your application:

- Samples of your work, especially works that are similar in nature to the Cumming Watertower Project.
- Resume
- A statement of your overall vision and approach to the project (1-3 paragraphs)
- Expected cost: This should include your fee and any other costs that would be necessary to complete the project as you envision it (materials, equipment rental, etc)
 - The City will arrange for the water tower to be cleaned and painted with a base coat before artist work begins. Please state if you would require any specialized prep work beyond this.
- Please answer: Have you previously worked on a large-scale “canvas” such as a water tower, building, or other large/outdoor surfaces? If yes, please provide examples (either photos or date/place). If no, feel free to explain other relevant experience and/or resources that will allow you to successfully complete the project.
- Optional: You may provide additional comments or narrative that you feel is relevant to the selection process (including notes on artistic concept) Please do not exceed half a page of text.



**84,000 GALLON
STANDPIPE TANK**

Examples of Ben Schuh's work. Mr. Schuh is a resident of Des Moines who has responded to Hometown Pride's request for artists email about painting our watertower.





Norwalk Area Chamber of Commerce
1043 Sunset Drive Ste 3
PO Box 173
Norwalk, IA 50211
515-981-0619

Membership Invoice

Invoice # 1894

Rachelle Swisher
City of Cumming
649 N 44th St P O Box 100
Cumming, IA 50061

Thank you for your membership! According to our records, your membership is about to expire. In order to continue your membership and all the benefits it provides, please send in payment before the Due Date below.

Thanks again and we hope you'll renew your membership in Norwalk Area Chamber of Commerce!

MEMBER	ITEM	AMOUNT
City of Cumming 1/1/2020 - 1/1/2021	Bronze - Chamber Champion Level Membership Dues	500.00
RECEIVED JAN - 2 2020		
		TOTAL: 500.00

Payment Stub

Please tear off this stub and include with your payment.
Send payment to:

Norwalk Area Chamber of Commerce
1043 Sunset Drive Ste 3
PO Box 173
Norwalk, IA 50211

or login and pay online at www.norwalkchamber.org

Member: Swisher, Rachelle
City of Cumming

Invoice #: 1894
Description: Membership Dues
Date Due: 1/1/2020

Amt. Due: 500.00

Enclosed:

Norwalk Chamber of Commerce Bronze Level Member Details

I would be happy to give you more info and update your directory listing. A Chamber Champion Bronze membership is an investment level in the Norwalk Area Chamber that in return gives extra exposure to members. Bronze level benefits include:

- Basic membership to Norwalk Area Chamber of Commerce
 - o Affiliate Membership to the Greater Des Moines Partnership with access to all regional events and Partnership offerings
 - o Admittance to all Chamber Member Meetings for one representative (lunch & breakfast fees included)
 - o Directory Listing on chamber website
- 2 Event tickets to all Chamber events including: Annual Banquet (\$90 value), Norwalktoberfest (\$10 value), I-Cubs Chamber Night (\$6 value)
- Business logo with web link on Chamber website homepage
- Business listing on Chamber Banner that appears at all indoor events
- Business listing on Membership Packets handed out at each Membership Meeting

Many members like the Bronze level as it provides extra exposure for your organization at a reasonable price.

Let me know if you have further questions.

Lucinda Sperry

info@norwalkchamber.org (Norwalk Area Chamber)